

THE FRANCISCAN'S POSITION AND THE MARSILIUS' CONTRIBUTION ON POVERTY DEBATES

A POSIÇÃO FRANCISCANA E A CONTRIBUIÇÃO DE MARSÍLIO NO DEBATE SOBRE A POBREZA

Lucas Duarte Silva¹

Abstract

With the appearance of the Mendicants Order – namely, Franciscan and Dominicans – at the beginning the thirteenth century several questions about Christian poverty arose, initially about the ideal of Christian life, and later, in the fourteenth century, questions associated with dominion and coercive power. The present study aims to show the contribution of Marsilius of Padua on ecclesiastic poverty debates, exposed in his *Defensor Pacis* (1324). We intend to show that the radical Marsilius' position about poverty is in concordance with his political and ecclesiastic project, in which the clerics, as a social group, had to submit to the command of the civil law, while at the same time they had to live in absolute poverty, because this would be the right way for Christ's followers to live. His position is usually associated with Franciscan thought, thus it is important to know which of the points can be associated with the minor friars. For this, we will divide the text into two parts: in the first, we show how the poverty question becomes a theoretical problem, and some features we can call the "Franciscan poverty theory". In the second part, we intend to present Marsilius' thesis about the ecclesiastic poverty and how this fits into his ecclesiastic-political project. At the end, two aspects must be highlighted: first, Marsilius defended the ideal of apostolic life as absolute poverty, allowing the priesthood only the use of goods; second, Marsilius is emphatic in his position that the clerics do not have any *dominium* or coercive power in the worldly plan; and this is not only a political question, but also fits in his ecclesiastic theory described in the second part of *Defender of peace*.

Keywords: Marsilius of Padua. Franciscan Thought. Ecclesiastic Poverty. Coercive Power.

Resumo

Com o aparecimento das Ordens Mendicantes (Franciscanos e Dominicanos), no início do século 13, algumas questões sobre a pobreza cristã surgiram; inicialmente ligadas ao ideal de vida cristã; e, posteriormente, no século 14, associadas com dominium e poder coercivo. O presente estudo tem por objetivo mostrar a contribuição de Marsílio de Pádua sobre o debate da pobreza eclesiástica, exposta no Defensor pacis (1324). Procuraremos mostrar que a radical posição de Marsílio está de acordo com o seu projeto eclesiástico-político; no qual a vida eclesiástica em absoluta pobreza, sem poder coercivo e submisso aos comandos da lei civil, seria o modo mais correto de viver para os seguidores de Cristo. Sua posição é normalmente associada com o pensamento franciscano; então é importante saber quais pontos podem ser associados com os frades menores. Para tanto,

¹ PhD student in Philosophy from the Catholic University of Rio Grande do Sul (PUCRS) mentored by Professor Doctor Roberto Hofmeister Pich with financial support from CAPES. E-mail: lucasfilo@gmail.com

dividiremos o texto que se segue em duas partes: na primeira, mostraremos como a questão da pobreza tornou-se um problema teórico, bem como algumas características do que poderíamos chamar de “teoria da pobreza franciscana”. Na segunda parte deste estudo, tentaremos apresentar a posição de Marsílio sobre a pobreza eclesiástica e como ela se encaixa no seu projeto eclesiástico-político. Ao final deste estudo, dois aspectos devem ser sublinhados: primeiro, Marsílio compreendeu o ideal de vida apostólica como a vida em absoluta pobreza, permitindo aos clérigos apenas o uso dos bens materiais; e, o segundo aspecto, Marsílio é enfático em sua posição que os clérigos não devem possuir nenhum tipo de dominium ou poder coercivo no plano terreno; e isso não apenas por uma questão política, mas, também, porque está de acordo com sua eclesiologia exposta na segunda parte do Defensor da Paz.

Palavras-chave: Marsílio de Pádua. Pensamento Franciscano. Pobreza Eclesiástica. Poder Coercivo.

INTRODUCTION

The question about poverty is a very well-known subject for scholars and researchers of history and political thought in late medieval times. The battle of words between the Papacy and the Mendicant Orders, namely Franciscans and Dominicans², about evangelical poverty was one of the most intense discussions known in the Middle Ages. In the thirteenth and fourteenth centuries there were several Papal’ bulls and works talking about *evangelical poverty, property, ownership, possession, jurisdiction and right of use* with the intention to conciliate these concepts of Jesus’ life described in the gospel and to determine the best model for Christian life. Obviously, it was not a simple task and many theorists understood these concepts in different ways, mainly poverty, jurisdiction and authority. In a society hugely influenced by the Catholic religion, as was the Occidental Europe of that time, when men were concerned with eternal salvation as well as a good life an earth, the question of authority and jurisdiction was doubled, once both powers would take care of both the spiritual and material goods of men. With these two authorities in the same city, naturally a tension was established between them and it was necessary to define the jurisdiction and the rights of each power. Then, it is easy for us to see that to renounce a right was not a simple choice, but implicates big political consequences.

For this work, we are focusing on the origins and development of the poverty question in the “Franciscan School”³. There was no specific text purely about political philosophy among Franciscan

² The question about apostolic poverty and propriety between the papacy and Dominicans had another tone; it was because the Dominicans, like Thomas Aquinas, accepted the naturalness of property. He said: “Proprietas possessionum non est contra ius natural, sed iuri naturali superadditur per adinventionem rationis humanae” (Sth, IIa IIae, q.66, a.2, ad primum). For more information about Aquinas’ text on property look at: THOMAS AQUINAS. “Property relations”. In: **Political Writings**. Edited and Translated by R.W. DYSON, Cambridge: Cambridge University Press, 2002, p. 205-238. There are many studies about the Aquinas’ position property, we indicate: John FINNIS. **Aquinas: moral, political and legal theory**. Oxford: Oxford University Press, 1998; especially chapter VI, namely: Distribution, Exchange, and Recompense. Other interesting paper is of: Mauricio MOTA. “Fundamentos Teóricos da Função social da Propriedade: a propriedade em Tomás de Aquino”. In: **AQUINATE**, n. 9 (2009), p. 84-126.

³ For complete and helpful information about the Order Franciscan, look at: John MOORMAN. **A History of The Franciscan Order. From its origins to the year 1517**. Oxford: Oxford University Press, 1968.

thinkers; the political questions were treated in the middle of theological concerns, like other thinkers of this time. However, it is possible to find common arguments about a few themes, such as: the question about particular property and the establishment of a political authority role⁴. In general, the Franciscans defended the particular property as a right instituted by the men to organize social life, but it could be renounced; whereas the political authority was established to care for society and the worldly goods. With regard to the religious men, St. Francis' ideal was to observe the commands and advice of Christ described in the Gospel, and follow a poor and humble life like him and his apostles, without property and possessions. This ideal of life supported by Franciscans was against the wealth of Catholic Church and its members, and they did not save paper to show that Christ and his disciples had property, possession and right of ownership.

Marsilius knew that this debate was important and dedicated four chapters of his *Defensor pacis* (1324) to show *what the ecclesiastical poverty was and how it was according to the Gospel*. His position was that the clerics must follow the model left by Christ and live in absolute poverty, without property and using just the necessary to meet their physical needs. Moreover, like Christ, none of his followers ought to have the coercive jurisdiction because He did not do it; rather they ought to submit to the civil law and comply with his function in the society: teaching the Christian Doctrine.

Marsilius' argument shares a few items in common with Franciscan thought. Indeed, the approach among them is not properly a new subject. A quick research is sufficient to find several studies about this issue and two ways at least can be highlighted: the first, is the relationship, differences and similarities, between him and the Franciscan William of Ockham (c. 1285–1347)⁵; and the second way is about the role the Franciscan poverty theory in *Defensor pacis* of Marsilius. With regard to the first way it is discussed if Marsilius would have influenced Ockham's political ideas, mainly about the Conciliar theory, once Pope Clemente VI would speak that the *Venerabilis Inceptor* had assumed Marsilius' mistakes⁶. The scholars were wondering through decades if Clement's statement has been supported in their texts and we already know: (i) that Ockham frequented Lewis IV of Bavaria's court, likewise Marsilius; (ii) that Ockham's interest in politics started after the publication of *Defensor of peace*; (iii) the Franciscan made reference to a few Marsilian ideas which are exposed in *Defensor pacis*, when he wrote the *Dialogus*, direct or indirectly⁷.

⁴ DE BONI, 2003, p. 195.

⁵ See especially: James SULLIVAN. "Marsiglio of Padua and William of Ockham I". In: **The American Historical Review**, Vol. 2, No. 3, (Apr., 1897), p. 409-426. And the second part: James SULLIVAN. "Marsiglio of Padua and William of Ockham II". In: **The American Historical Review**, v. 2, n. 4, (July., 1897), p. 593-611. About Marsilius' influence in Ockham's ideas look at: J.G. SIKES. "A possible Marsilian Source in Ockham", in: **The English Historical Review**, vol. 51, n. 203 (Jul., 1936), p. 498. And about similarities and differences between them look at Janet COLEMAN. "Sovereignty and Power Relations in the Thought of Marsilius of Padua and William of Ockham: a comparison". In: **Revista da Faculdade de Ciências Sociais e Humanas**, vol. 1, n.7, 1994, p. 229-253. Look also at the classical study of George LAGARDE. "Marsile de Padoue et Guillaume d'Ockham". In: **Revue des Sciences Religieuses**, v. 17, n. 2, 1937, p. 168-185; p. 428-454.

⁶ Clement VI statements, in April of 1343: "... ab illo Guillelmo didicit et receipt errors illes Marsilius, et multi alii". Cfr. J.G. SIKES, 1936, p. 498.

⁷ Look at: William of Ockham, *Dialogus* part 3, tract 1, book 4, chapter I and II. For more information look at: José Antônio de C. R. SOUZA. "A argumentação política de Ockham a favor do primado de Pedro contrária à tese de Marsílio de Pádua". In: **Idade Média: ética e política**. Organizado por Luís Alberto De Boni, 2ed. Porto Alegre: EDIPUCRS, 1996, p. 473-484.

Although this topic was important to understand the repercussion of Marsilius' thought, we would like to go through the second way and try to understand why a person who did not belong to the Mendicants' Order fought beside them against the Papacy. Moreover, how Marsilius can be associated with Franciscan thought, when similarities and differences exist between them⁸. For this, it is necessary, in the first instance; to establish some characteristics about the Franciscan poverty theory and how this question developed through the thirteenth and fourteenth centuries. In the second instance, it is important to understand how some elements of this theory appear in Marsilius' work. My point is simple: we can trace at least two elements in common between Marsilius and Franciscan thought: (i) the defense of the use of worldly goods by the priesthood (ii) to live in poverty is the most trustworthy way to be a Christian. These two characteristics defended by Franciscan thinkers appeared in Marsilius' work to help in his project against the plenitude of power by Pope – appointed by him as the singular cause of intranquility and discordance in the state. Notwithstanding, Marsilius understands that his position is in accordance with the ideal of ecclesiastic living described in his ecclesiology. In other words, Marsilius saw precious elements of the Franciscan poverty theory which fit into his political ideas and also in his theological ideas; which could point out that he used it not only with political motivation, but also theological.

THE FRANCISCAN POVERTY: THE DEVELOPMENT OF A CONTROVERSY

At the beginning of the thirteenth century a group of laymen appeared in Italy who chose to lead a simple life style, observing the commands and advice of chastity, poverty and charity by Christ, without worldly goods to purify their spirits⁹. This wish was not totally unknown, “for centuries, centres of religious life in medieval Europe had been monastic communities, specially endowed and set apart

⁸ Two positions emerged about the relationship between Marsilius and the Franciscans: from one side, the scholars which denied a possible Franciscan influence in Marsilius' ideas, like Georges LAGARDE (1970) and Carlo PICIN (1967); and for the other side, Jeannine QUILLET (1970) and Janet COLEMAN (1983) did a link between them.

⁹ It is important to remember the other group which appeared at the same time, the Dominicans. According to COLEMAN, they were founded by St Dominic to combat heresy in southern France through preaching and give an example of simple life apostolic (2000, p. 78). The question about apostolic poverty and propriety between the papacy and Dominicans had another tone; this was because the Dominicans, like Thomas Aquinas, accepted the naturalness of property. He said: “Proprietas possessionum non est contra ius natural, sed iuri naturali superadditur per adinventionem rationis humanae” (Sth, IIa IIae, q.66, a.2, ad primum). For more information about Aquinas' text on property look at: THOMAS AQUINAS. “Property relations”. In: **Political Writings**. Edited and Translated by R.W. DYSON, Cambridge: Cambridge University Press, 2002, p. 205-238. Studies about the Aquinas' position property look at: J. FINNIS. **Aquinas: moral, political and legal theory**. Oxford: Oxford University Press, 1998; especially chapter VI, namely: Distribution, Exchange, and Recompense. Mauricio MOTA. “Fundamentos Teóricos da Função social da Propriedade: a propriedade em Tomás de Aquino”. In: **AQUINATE**, n. 9 (2009), p. 84-126.

from secular life¹⁰, but now this model had a new emphasis: to live based on the literal interpretation of Christ and his apostles' life described in the Gospel (it is, like a poor peregrine, preaching and without material wealth); and in new locations: in the city centres. They had believed that this was the ideal behaviour which a Christian must follow and it was how Francis and his friends started to live in a small group in Assisi, connected by the same wish: the apostolic life based on the frater love, prayer and preacher of penitence, living in poverty¹¹.

But this life style deprived of goods and material wealth brought several problems to the cities which were suffering transformations¹². Since the twelfth century many changes occurred in the occidental European cities' structure: the commercial revolution in the cities increased production of goods; with the use of money developed a structure of financial credit, increasing interpersonal relationships and the legal system; the population in the cities grew and many people migrated from the countryside to the city centres looking for a job and money without work or conditions to support themselves properly. It is easy for us to imagine the consequences: many poor people walking in the cities without anything to do. Adding to this scenario what being poor meant: "in a period when agriculture is the dominant means of subsistence, as those who do not possess a minimum of arable land sufficient to support a family; a family of four, say, in the thirteenth century required 4 hectares"¹³. Then, when the religious' movement of poverty appeared preaching that the ideal apostolic life was to live in poverty, they converted a social misfortune into a virtue¹⁴.

When the small group around Francis increased and spread to other cities it was necessary to establish a few rules on top of the simple wish to follow the Christian life described in the Gospel. It meant to establish a religious order approved by the Catholic Church. St Francis wrote at least two documents

¹⁰ COLEMAN, 2000, p.77. In accordance with CANNING: "the injunction to a life of poverty was expressed in medieval Christianity by the institution of monasticism in which the monastery possessed property but the individual monk possessed nothing. The church's possession of poverty was justified, in theory, as being a charitable function for the poor. Bishops, for instance, were administrators of the property of their dioceses, not owners" (2013, p. 108).

¹¹ In Portuguese we found a good view about the poverty problem, origin and development, in Luis Alberto DE BONI. **De Abelardo a Lutero: estudos sobre filosofia prática na Idade Média**. Porto Alegre: EDIPUCRS, 2003, p. 185-254.

¹² For more information about the context look at the classical study of Janet COLEMAN. "Property and Poverty". In: BURNS; J. H. (ed.). **The Cambridge History of Medieval Political Thought, c. 350 c. 1450**. Cambridge: Cambridge University Press, 2007, p. 607-648.

¹³ COLEMAN, 2007, p.625. COLEMAN carries on: "at the same time the bulk of the rural population lived in penury: around 1300, between 40 % and 60% of the European peasantry had insufficient land to maintain a family; they survived by wage labour and contributed to the increasing numbers of shifting, landless paupers in search of work – a quest which often led them into towns. The fourteenth century saw a growth in pauperisation amongst the urban masses who were not integrated into *confréries* and *corps de métiers*, which led to frequent eruptions of urban violence" (2007, p. 625-626).

¹⁴ DE BONI, 2003, p. 218.

for this purpose¹⁵: *Regula non Bullata* (1221) and *Regula Bullata* (1223). The first *Rule* did not receive papal approval and “is the fruit of a long reflection on the part of the Order during the crucial period between 1209 and 1221”¹⁶. It served as a guide to Francis’ followers and was approved by the Order in 1221. In twenty-four chapters, Francis speaks out about many elements to structure the Order and establishes the principles to be followed: “[...] to live in obedience, in chastity and without ownership; and to follow the Doctrine of our Jesus Christ”¹⁷. Throughout the document, we can see Francis’ principal wish: the poor apostolic life. In the second chapter Francis mentioned to his brothers to sell everything and live like the poor¹⁸; and then for them to work in order to obtain the necessary to live, but for them not to receive money¹⁹; and when necessary to meet their physical needs they must beg from other people, as Christ did²⁰.

¹⁵ Livarius OLIGER mentioned a previous *Rule*, probably wrote in 1209 and showed to Pope Innocent III for approval, however, it was possible that this *Rule* was no more than a few phrases about the poverty of Christ. According to OLIGER: “its real text is not known. If, however, we regard the statements of Thomas of Celano (I Cel., i, 9 and 13, ed. d’Alençon, Rome, 1906) and St. Bonaventure (*Legenda major*, c. iii), we are forced to conclude that this primitive rule was little more than some passages of the Gospel heard in 1208 in the chapel of Portiuncula. From which Gospel precisely these words were taken, we do not know. The following passages, Matthew 19:21; Matthew 16:24; Luke 9:3, occurring in the second rule (i and xiv), are considered as a part of the original one of 1209. They enjoin apostolical life with all its renuncements and privations”. In addition the testimonies of Thomas of Celano and St. Bonaventure, we know through the Bull Innocent III, *In Privilegio Paupertatis Fundatrici et Clarissis*, which the Pope granted the privilege of poverty, in 1216: “Innocent, Bishop, Servant of the Servants of God, to Our beloved daughters in Christ, Clare and the other handmaids of Christ of the Church of San Damiano in Assisi, to those present and future, having professed the regular life, in perpetuity: AS HAS BEEN MADE MANIFEST, desiring to be dedicated to God alone, having abdicated the appetite for temporal things; on account of which, having sold all things and paid them out to the poor, you propose to have entirely no possessions, cleaving through all (circumstances) to the footprints of Him, who became poor for our sake, the Way, the Truth and the Life”. About Francis’ life and writings there are a lot of works. We indicate: Michael CUSATO. “Francis and the Franciscan movement (1181/2-1226)”. In: **The Cambridge Companion to Francis of Assisi**. Edited by Michael J. P. Robson Cambridge: Cambridge University Press, 2011, p. 17-34; and Michael J. B. ROBSON “The writings of Francis”, in: **The Cambridge Companion to Francis of Assisi**. Edited by Michael J. P. Robson Cambridge: Cambridge University Press, 2011, p. 34-49. Look also at: William HUGO (OFM Cap). **Studying the life of Saint Francis of Assisi: a beginner’s workbook**. 2ed. United States: New City Press, 2010.

¹⁶ Noel MUSCAT (OFM), “Writings of St. Francis of Assisi”, 2.15. Look at References.

¹⁷ FRANCIS OF ASSIS, **Regula non Bullata**, chap. I: “Regula et vita istorum fratrum haec est, scilicet vivere in obedientia, in castitate et sine proprio, et Domini nostri Jesu Christi doctrinam”. We translate “sine proprio” by “without ownership” to make clear Francis’ idea about the poverty.

¹⁸ FRANCIS OF ASSIS, **Regula non Bullata**, chap. II: “[...] Quo facto, praedictus, si vult et potest spiritualiter sine impedimento, omnia sua vendat et ea omnia pauperibus studeat erogare. Caveant sibi fratres et minister fratrum, quod de negotiis suis nullo modo intromittant se; neque recipiant aliquam pecuniam neque per se neque per interpositam personam. Si tamen indigent, alia necessaria corporis praeter pecuniam recipere possunt fratres causa necessitatis sicut alii pauperes”.

¹⁹ FRANCIS OF ASSIS, **Regula non Bullata**, chap. VII: “Et fratres, qui sciunt laborare, laborent et eandem artem exercent, quam noverint, si non fuerit contra salutem animae et honeste poterit operari. [...] Et pro labore possint recipere omnia necessaria praeter pecuniam”. And chap. VIII: “Unde nullus fratrum, ubicumque sit et quocumque vadit, aliquo modo tollat nec recipiat nec recipi faciat pecuniam aut denarios neque occasione vestimentorum nec librorum nec pro pretio alicuius laboris, immo nulla occasione, nisi propter manifestam necessitatem infirmorum fratrum; quia non debemus maiorem utilitatem habere et reputare in pecunia et denariis quam in lapidibus”.

²⁰ FRANCIS OF ASSIS, **Regula non Bullata**, chap. IX: “Et debent gaudere, quando conversantur inter viles et despectas personas, inter pauperes et debiles et infirmos et leprosos et iuxta viam mendicantes. Et cum necesse fuerit, vadant pro elemosynis. Et non verecundentur et magis recordentur, quia Dominus noster Jesus Christus, Filius Dei vivi (Joa 11,27) omnipotentis, posuit faciem suam ut petram durissimam (Is 50,7), nec verecundatus fuit”.

This first *Rule* served as the basis of the 1223 *Rule*. It was written by Francis, with advice from Cardinal Urgolino, and is composed in twelve chapters²¹. The Friar highlights obedience to the Catholic Church²²; establishes the principal rules for internal Order hierarchy –like the election of the general ministry²³– and repeat the spirit of the Apostles by living in poverty:

the brothers appropriate nothing of others, no house, no place, nothing. And like peregrines and foreigners in this century serve the Lord in poor and humility go to alms confident and not be ashamed because the Lord had been poor in this world for us. This is the highest poverty, with you, my dear brothers, we are heirs and kings to the kingdom of heaven, had done poor of things, sublimated by virtue²⁴.

Moreover, in the second text, Francis admitted donations for the maintenance of his friars, but forbade them to receive money for their works²⁵.

The second *Rule* was approved by Pope Honorius III, on 29th November 1223, by the bull *Solet Annuere*. In this, the Pope accepted the Franciscan ideas about poverty and their ideal apostolic life as elements were in accordance with the Christians' thoughts of the Church.

However, due to the growth of the Order and its presence in the Universities, especially in the University of Paris, the question about poverty needed to be rethought. It was because the Franciscan tutors' life (who received money for their services and had possessions of things, like books) and the constructions of education centres by the Order was seen for some people as not being in accordance with the original message of Francis' *Rule*²⁶; and this view, was not shared only outside the Order but also inside. After St Francis' death the internal tensions became aggravated and two groups, at least, were formed inside the Order: for one side, the defenders of apostolic role as the principal element to be improved, even being necessary to diminish poverty observed, they were *Friars Minor Conventual*. From the other side, the ideal of poverty must be the principal feature of the Order on which the apostles' performance must be submitted, they were *Spiritual*

²¹ LE GOFF mentions the *Rule* has a clear preoccupation with juridical terms. Look at: LE GOFF, 2001, p. 73.

²² FRANCIS OF ASSIS, **Regula Bullata**, chap. I: "Regula et Vita Minorum Fratrum haec est, scilicet Domini nostri Jesu Christi sanctum Evangelium observare vivendo in obedientia, sine proprio et in castitate. Frater Franciscus promittit obedientiam et reverentiam domino papae Honorio ac successoribus eius canonice intransibus et Ecclesiae Romanae".

²³ FRANCIS OF ASSIS, **Regula Bullata**, chap. VIII.

²⁴ FRANCIS OF ASSIS, **Regula Bullata**, chap. VI: "Fratres nihil sibi approprient nec domum nec locum nec aliquam rem. Et tanquam peregrini et advenae in hoc saeculo in paupertate et humilitate Domino famulantes vadant pro eleemosyna confidenter, nec oportet eos verecundari, quia Dominus pro nobis se fecit pauperem in hoc mundo. Haec est illa celsitudo altissimae paupertatis, quae vos, carissimos fratres meos, heredes et reges regni caelorum instituit, pauperes rebus fecit, virtutibus sublimavit". [Ours highlights].

²⁵ FRANCIS OF ASSIS, **Regula Bullata**, chap. IV: "Praecipio firmiter fratribus universis, ut nullo modo denarios vel pecuniam recipiant per se vel per interpositam personam. Tamen pro necessitatibus infirmorum et aliis fratribus induendis per amicos spirituales ministri tantum et custodes sollicitam curam gerant secundum loca et tempora et frigiditas regiones, sicut necessitati viderint expedire; eo semper salvo, ut, sicut dictum est, denarios vel pecuniam non recipiant".

²⁶ RIVI, 2008, p. 585.

*Franciscans*²⁷. Francis' *Rule* was not clear about the goods used by friars in the preaching would be the Order's ownership or if they remained to belong to the person that made the donation. Moreover, at that time, many of the contracts were based on juridical terms borrowed from the Roman Law, in which someone could have the right of ownership by the continuous *use*²⁸. For the Franciscans it was not easy to live without ownership if the simple possession of a thing could become a property. This juridical obscurity of the *Rule* (maybe because Francis never had an intention to found a religious order or because his deficiency on legal grounds) was the beginning of a long discussion about poverty.

Many documents and texts intended to make clear what poverty vows and a life of poverty meant. In 1230, Pope Gregory IX explained this in the bull *Quo eleganti*. He defended that the friars can use (*usus*) some things (like books, tables, beds etc...), but they cannot have their property (*proprietas*) these goods²⁹. Fifteen years after, Pope Innocent IV, in the bull *Ordinem vestrum* and *Quanto studiosius*, stated that the goods of Order would hold *in ius et proprietatem beati Petri*³⁰; it is: the goods which the friars used were transferred into the ownership (*dominium*) of the papacy, which authorized the Order's superiors to use and administrate them.

The Papal' statement had a reaction in part by Franciscans who did not want the approximation with the Catholic Church. The answer of Franciscan Order mendicants came with Bonaventure, elected general minister of Order, and Peter John Olivi. We do not show the positions of these authors to avoid crossing the limits of this article. However, it is important to say a few words about the Franciscan authors. Both defended the poverty vow as a condition to a perfect Christian life; and both, even with their differences, defending only the *use* instead of the *dominium* of the goods; remaining true to St. Francis' teachings³¹. Bonaventure, in *Apologia Pauperum* (1269), defended the poor apostolic life as the example to follow, he defined evangelical poverty as living without ownership, renouncing voluntarily all titles and possessions and leaving only the obligation to use what was necessary to keep themselves alive, which was termed *simplex usus*³². Peter John Olivi (d.1298), in *Quaestiones de perfectione evangelica* (1274-1279) and *De usu paupere* (1280/3), was more

²⁷ Cf. CALVÁRIO, 2009, p.11. For more details about this two groups, look at: John MOORMAN. **A History of The Franciscan Order. From its origins to the year 1517**. Oxford: Oxford University Press, 1968, p. 188-204. For a complete view about the origins and development of *Spiritual Franciscans* look at the huge work of David BURR. **The spiritual Franciscans: from protest to persecution in the century after Saint Francis**. United States of America: The Pennsylvania State University Press, 2001.

²⁸ COLEMAN, 2007, p. 611-612: "Justinian speaks of *res corporales* as physical, material objects, and the notion of lordship or *dominium* is treated not as an abstract right but as ownership of corporeal things, although there is also a range of inferior modes of ownership like *usucapio*, *mancipatio*, *possessio*, *dos*, *tutela*, *dominium bonitarum*. [...] *Dominium* in classical Roman law was an ultimate right, one was an owner in perpetuity, even if this meant the *dominium* had no practical content. But by Justinian's time the distinction between *dominium* and its inferior modes began to be relaxed, and the classification of modes of acquisition of *dominium* grew more ambiguous and confused. Civil law modes of acquisition included *usus* – acquisition by use; *usufruct* was the inalienable right to enjoy the property of another and take the fruits therefrom, a right separate from ownership. But since the usufructuary was bound to return the thing (land) in good condition there could be no *usufruct* of perishable goods".

²⁹ COLEMAN, 2007, p. 633.

³⁰ DE BONI, 2003, p. 222. COLEMAN, 2007, p. 634.

³¹ Look at: COLEMAN, 2007, p. 635-637. Look also at: DE BONI, 2003, p. 215-254.

³² Look at: St BONAVENTURE, "Apologia Pauperum" in **Opera Omnia**, vol. VIII, c.VII, p. 272s. Look also at: John MOORMAN. **A History of The Franciscan Order. From its origins to the year 1517**. Oxford: Oxford University Press, 1968, p. 140-154.

radical in his theory of *usus pauper*³³. He became a supporter of evangelical poverty as the most perfect lifestyle for a Christian, but he considered that the essential of the poverty vow was making a poor use of things. For Olivi, there is a difference between *necessary things at the present time* and *necessary things for the present time*³⁴. In his view, it is possible to live without accumulating goods for futures times; i. e. it is possible to live with “the most basic of human needs: ragged habits, no shoes, no horse-riding, and the practice of begging”³⁵; and this for all members of the Order.

Pope Nicholas III, in the bull *Exiit qui seminat* (1279), conserved the distinction between *use* and *proprietas*. In this, he showed the knowledge about Francis’ Rule³⁶ and what was proposed by Pope Gregory IX³⁷. He added the category of right of use (*ius utendi*) and described the Franciscan way of use that as simple use of fact (*simplex usus facti*), without having ownership or *dominium* of the goods³⁸. It was official papal approbation of the apostolic poverty defended by the Franciscans.

At the beginning of the fourteenth century, when the relationship between the State and Church shook, mainly king Lewis IV of Bavaria and Pope John XXII, this discussion faced other chapters and other emphases. The debate between Franciscans (and also Dominicans) and the Papacy passed from the life’s model to the question of whether the Church could have or not own goods³⁹; it is: if the Church had or not some kind of *dominium* of worldly goods. Indubitably, the question about the poverty vow involved other political aspects: like property and political jurisdiction and Pope John XXII, a jurist prior to becoming pope, knew that. He attacked the Franciscan poverty several times. In 1317, in his bull *Quorundam exigit* he said the fundamental issue was the obedience and not poverty⁴⁰. In 1322, through the *Ad conditorem*, “he decreed that in future [...] the Papacy would not accept ownership of things given to the Franciscans; the Franciscan Order would be the owners themselves⁴¹”.

³³ David BURR reconstructs the bases of uses paupers theory in his **The spiritual Franciscans: from protest to persecution in the century after Saint Francis**. United States of America: The Pennsylvania State University Press, 2001, p. 43-65. In their, BURR has a particular attention with Olivi’s position at: p. 50-65.

³⁴ BURR, 2001, p. 53. He continues: “Some things are not necessary for the present moment, but must be procured at present because they will be needed in the future. Bread and wine are readily available, however, and thus there is no reason for the friars to store large quantities of them for the future. Legumes and oil can be harder to find at short notice and thus they can be conserved with a clearer conscience” (2001, p. 53).

³⁵ COLEMAN, 2007, p. 637. BURR considers that Olivi’s position on *usus pauper* of the Order of that time is exaggerated: “not merely theoretically incorrect or spiritually disquieting but also politically imprudent” (2001, p. 54).

³⁶ §5 and §6.

³⁷ §7: “Porro cum regula ipsa expresse contineat, quod fratres nichil sibi approprient non domum nec locum nec aliquam rem, sitque declaratum per eundem predecessorem Gregorium papam nonnum et nonnullos alios hoc servari debere tam in speciali quam etiam in communi [...]”.

³⁸ Cf. CANNING, 2013, p. 110. Nicholas III, *Exiit qui seminat*, §12: “Insuper nec utensilia nec alia, quorum usum ad necessitatem et officiorum sui status executionem non enim omnium rerum usum habere debent, ut dictum est ad ullam superfluitatem divitias seu copiam, que deroget paupertati vel thesaurizationem vel eo animo ut ea distrahant, sive vendant, recipiant, nec sub colore providentie in futurum nec alia occasione; quinimmo in omnibus appareat in eis quoad dominium omnimodo abdicatio et in usu necessitas”.

³⁹ DE BONI, 2003, p. 226.

⁴⁰ CANNING, 2013, p. 112.

⁴¹ KILCULLEN, 1999, p. 306.

He also rejected ownership separated by use, appealing by Roman Law, he said that the “simple use of fact (*simplex usus facti*) without any right to use would be unjust, since just use of a thing requires a right to use it”⁴². In 1323, by the bull *Cum inter nonnullos*, he condemned as heretic the thesis which Christ lived in absolute poverty; which he and his apostles had no property and they had no *dominium*, neither the right of sale nor of purchase, under any goods⁴³. And more: he declared, in *Quia quorundam mentes* (1324), that only the Church had the *dominium* proper, because all power was provided by God and transferred it to the first Pontiff, St. Peter, which John XXII was successor⁴⁴. With this, the Pope arrogates to oneself the plenitude of power on earth, invoking the Hierocratic Theory⁴⁵. Once again Franciscans (like William of Ockham⁴⁶) wrote against the Pope and his thesis about the poverty vow and the plenitude of power. But, now, with the reinforcement of a polemic writer: Marsilius of Padua.

THE ECCLESIASTIC POVERTY BY MARSILIUS OF PADUA

We found a few positions about the reason which made Marsilius of Padua approach the poverty debate. Stephen Torracco understood that Marsilius would take the ideal of ecclesiastic poverty as an ideal ascetic of wisdom, as described by ancient writers⁴⁷. Sharon Kaye, to criticize Torracco’s position, defended that the Italian writer saw as an example which expresses his political ideas⁴⁸. Kaye followed the same proposal by Jeannine Quillet. The French scholar defended, without raising the importance of Marsilius in a debate about poverty, that his contributions were similar to an extremist Franciscan position and inserted in a broader

⁴² KILCULLEN, 1999, p. 306.

⁴³ Look at: John XXII. **Quum inter nonnullos**. 1323 English and Latin. Available on: <<https://franciscan-archive.org/bullarium/qinn-e.html>>

⁴⁴ Look at: John XXII. **Quia quorundam**. 1324. English and Latin. Available on: <<https://franciscan-archive.org/bullarium/qquor-e.html>>

⁴⁵ In general terms the Hierocratic Theory was used in the middle ages to justify the primacy of Pope above the civil ruler. Initially, the theory was based on the interpretation of a conjunct of passages of the Bible which would show the spiritual source of power, – basically in *Matthew* 16-15-20 (where Christ gives the keys of the kingdom of heaven to Peter); in *Romans* 13 (which all power and authority became from God) and *Luke* 22,28 (when Christ was asked about the two swords, he said: “It is enough”) – but with Giles of Rome’s work, *De ecclesiastica potestate*, in the 13th century, the theory of plenitude of power by Pope was justified appealing by metaphysic principles: like the primacy of spiritual power above the material and theory of cause. This theory is the principal target of Marsilius.

⁴⁶ To see Ockham political position look at: John KILCULLEN. “Ockham’s Political Writings”. In: P.V. Spade (ed.), **The Cambridge Companion to Ockham**, Cambridge: Cambridge University Press, 1999, p. 302-325. Look also at: SHOGIMEN, Takashi. **Ockham and Political Discourse in the Late Middle Ages**. Cambridge: Cambridge University Press, 2007, especially chapters 1 and 4. And: Joseph CANNING. **Ideas of Power in the Late Middle Ages 1296-1417**, Cambridge: Cambridge University Press, 2013, p. 116-132.

⁴⁷ According to KAYE’s reconstruction: “He employs “poverty” as an esoteric reference to theoretical wisdom, intimating that if priests are to be perfect they must be political philosophers. For Torracco, reading the *Defensor* as an effort to resurrect the Socratic dialectic in this way saves it from incoherence.” (KAYE, 1994, p. 270). Indeed, Marsilius mentions Aristotle when he speaks about the poverty. Look at: DP II, 11, §3.

⁴⁸ KAYE, 1994, p. 273: “Marsilius views evangelical poverty as one of the signs and testimonies against papal plenitude of power”.

project: the general criticism of *plenitudo potestatis* by the Pope⁴⁹. Indeed, this position is the most accepted among Marsilius' researchers and I would follow that⁵⁰. Therefore, it is important to show how the discussion of poverty appears in *Defensor pacis* and how it fits into Marsilius' political project against the plenitude of power by the Bishop of Rome. However, it is also important to show how Marsilius' position fits into his ecclesiology, once, despite the clear political motivation, the defense of poverty has a theological reason.

The text of *Defensor pacis* has a unique goal: to unmask the fallacy of plenitude of power by the Pope, which is assigned to Marsilius as *the* cause of discord and strife in society⁵¹. For this, Marsilius divided his text into three *dictiones* and proceeded the different ways⁵². In *prima dictio*, composed of 19 chapters, he developed a theory of state, establishing the principles of political philosophy and demonstrating through arguments and methods discovered by human ingenuity. In the long *secunda dictio*, he exposed, in 30 chapters, how these principles were in accordance with the Church's teachings, mainly the Bible and the testaments of the Saint Fathers, and also presented a theory about the Church and "the real" role of clerics in *civitas*; that is: the ecclesiastical theory. Finally, the *tertia dictio*, he summarized some conclusions which were shown in the book in just 3 chapters⁵³.

The subject of poverty is developed throughout four chapters, in the second discourse, namely, in chapter 10 to 14, after the examination of the concepts of judge and Church⁵⁴ and the clerics' powers⁵⁵, and before the exposition to the Conciliar theory⁵⁶. In this way, the theme of poverty was developed in a natural way along with these questions; once Marsilius understood that the clerics, imitators of Christ and apostles must follow the example and model of life left by them⁵⁷: the *virtue of supreme poverty* or the "evangelical perfection"⁵⁸.

⁴⁹ In QUILLET's word: "Marsile n'est pas resté étranger à la querelle; sans épouser entièrement la position franciscaine extrémiste, il l'a connue et a été lié à un certain nombre de chefs de file des Spirituels, en particulier Michel de Cesene, ministre général des Franciscains. Néanmoins, elle n'a pas chez lui le caractère d'une simple polémique de circonstance, qu'avec un grand sens de l'opportunité, il aurait utilisée pour enrichir sa critique générale des institutions temporelles de l'Église" (1966, p. 52). And she complete saying: "Sans majorer outre mesure l'importance de la participation marsilienne à la querelle de la pauvreté, il est aisé de constater en outre, qu'elle entre dans le cadre d'une controverse doctrinale plus ample, celle dont l'enjeu est la *plenitudo potestatis pontificale*" (QUILLET, 1966, p. 54).

⁵⁰ The same position about the poverty and the project against the *plenitudo potestatis* appears in other works such as: DAMIATA, 1980, p. 417ss. STREFLING, 2002, p.180ss. DE BONI, 2003, p. 252ss. BAYONA, 2007, p. 239ss.

⁵¹ DP I, 1, §3, §4 and §5.

⁵² PICIN stated that the difference in methods was Marsilius' originality (1967, p. 110s.). For BAYONA, the distinction of methods and subjects obedience the same purpose: the dismantle of theory on plenitude of power by Pope (2010, p. 147). About the methods used by Marsilius look also at: GEWIRTH, 1951, p. 44-54.

⁵³ DP I, 1, §8.

⁵⁴ DP II, 2.

⁵⁵ DP II, 6.

⁵⁶ DP II, 17.

⁵⁷ DP II, 11, §2: "Christ had come to teach humility and contempt of this world, as the way to meriting eternal salvation; and therefore, so that he might teach humility and the contempt of this world or temporal things more by example than by words, he entered into this world in the utmost humility and contempt of temporal things. For he knew that men are taught no less and in fact more by example than by words".

⁵⁸ DP II, 13, §22.

Marsilius' examination of poverty has two stages: (a) the concern to make clear what is life to be *poor* and how this is connected with other concepts like *dominium*, *use* and *property*; and (b) the confirmation of this thesis with the life described in the Gospel and his ecclesiastic theory, mainly the role of clerics in society. Here, we believe, Marsilius' proposal becomes evident being at same time political and theological.

A) WHAT IT IS BE POOR

Before moving to the question about ecclesiastic poverty, Marsilius searched to establish the means of some terms: *dominion*, *right*, *licit*, *possession*, *proper* and *common*, throughout the twelfth chapter. We do not quote all that, but it is interesting to highlight how Marsilius managed them artfully. He said: "*proper* or *property* is predicated of *dominion* so-called in its first signification" (DP II, 12, §21). The first signification of *dominion* was "principal power of claiming for oneself something that has been acquired by *right* so-called in its first signification" (DP II, 12, §13). In this case, *Right* "is predicated of law so called in the third and the final signification of law, [...]. Law is of course twofold, "one human, the other divine – and this also, in respect of a particular time and circumstance, comes under the last signification of law, as said before" (DP II, 12, §3); i. e. Marsilius connected the *right* with the human law, which the ruler was the representative:

[...] is predicated of every human act, power or acquired disposition that issues from an imperative of the human mind, be it internal or external, immanent or transitive upon some external thing or an aspect of it – for example use or usufruct, acquisition, retention or keeping, exchange, and others similar in conformity with right so-called in its first signification (DP II, 12, §10).

Marsilius avoided speaking about the *natural right*. He said that the term 'natural' in this case is used equivocally⁵⁹. Indeed, he knew if he allowed it he was approaching the divine law and the priests could claim something out of the plan terrain and the range of human law.

Furthermore, Marsilius explained what *rich* and *poor* means. The term 'rich' can have, at least, three different meanings: (i) "is most frequently predicated of one who has for himself a superabundance of temporal things [...] all at once for any particular time, present and future"⁶⁰; (ii) "is predicated of one who has for himself, in a way that is licit, only a sufficiency of the said things all at once for any particular time, present and future"⁶¹; (iii) can be subdivided in two ways: "firstly, if he has the said things, and in superabundance as was said, and it is his *will* to have them in this way; and in a second way, if he has the said things only in sufficiency, as we said in the second sense, and it is his *will* to have them in this way"⁶². The third definition has focus in the person's *will* and also appears in the examination of what it is to be poor.

⁵⁹ DP II, 12, §8.

⁶⁰ DP II, 12, §26.

⁶¹ DP II, 12, §27.

⁶² DP II, 12, §28. Ours highlights.

Marsilius presented four ways to understand the concept of *poor*: (i) someone who “lacks only a superabundance of things”⁶³; or (ii) “if he does not even have a sufficiency all at once for any particular time”⁶⁴; (iii) “a person who spontaneously wills to lack abundance for any particular time”⁶⁵ and finally: (iv) “a person who has no will to have even a sufficiency, all at once for any particular time, present and future, but who spontaneously wills to lack such a sufficiency”⁶⁶.

The definitions of ‘poor’ can be set in opposition to the definitions of ‘rich’, and again, the third and fourth have emphasis on the agents’ *will*. This emphasis is important to distinguish between someone within a “false” or a “true” intention about being poor. The false intention occurs when someone lacks the goods just to the vainglory among men, but that it is not the true and proper end to be poor. The true end is the spiritual glory and blessedness. Evidently, Marsilius has not demanded that each citizen be poor – that could induce the ruin of society! –, but insists that the ecclesiastics would observe the poverty status if they want to follow perfectly the teachings and the model left by Christ and comply with their task in society.

B) THE ECCLESIASTIC POVERTY, THE MERITORIOUS VIRTUE DESCRIBED IN THE GOSPEL

After he had defined the means of the main terms involving poverty debates, Marsilius went on to defend the ecclesiastic poverty as a life in absolute poverty, in which the priesthood must observe if they want to follow Christ’s teachings and advice perfectly and also comply with their function in society.

For Marsilius, Christ, while the founder of the Catholic Church, did not come to earth to exercise any kind of coercive jurisdiction and abstain to make any kind of earthly judgement. He also did not institute any bishop or priest as judge, but only encouraged his apostles to go and teach the Christian doctrine, humble and contempt for the things of this world⁶⁷. Then, if he did not do it during his passage on earth, leaving the spiritual judgement for the other world, his followers do not have the right to do it⁶⁸. The powers of the priest were limited to teach the Christian doctrine and conduct some rituals and spread the faith⁶⁹, necessary for the eternal life of men⁷⁰; and because of this, while they have

⁶³ DP II, 12, §29.

⁶⁴ DP II, 12, §29.

⁶⁵ DP II, 12, §30.

⁶⁶ DP II, 12, §31.

⁶⁷ DP II, 11, §2. Marsilius had already established in chapter 10, second discourse, that any cleric or priest has the power to judge and to punish anyone in this life, even the fault has been a heresy. It is because Christ would be the uniquely able to judge faults against the Divine Law if we consider the proper means of the term *iudex*, that is: while author of law. Look at: DP II, 10, §2.

⁶⁸ DP II, 12, §2.

⁶⁹ DP II, 6.

⁷⁰ In DP I, 5, §3, Marsilius says that men have two perspectives on good life (*bene vivere*): one earthly and other eternal; and both likewise wish while finality by men. The aspects of religious make part of the society described by Marsilius. Look also at: DP III, 3, §1.

knowledge about the Holy Scripture, the clerics can be called “judges”⁷¹. However, Marsilius removed the coercive power of the role of bishop or priest; only the ruler is able to punish someone in this life, once he has the coercive power established by a human legislator.

Christ’s followers wished to be perfect, beyond observing the commands of Decalogue, must hear his advice about the vows of obedience, chastity and poverty. Poverty was, first of all, a decision of life style, which must be reflected in action. Thereupon, poverty involves an internal and an external aspect. With regard to the internal aspect the poverty is a virtue for Marsilius, indeed “the highest mode or species of this virtue”⁷². Poverty must be “an interior disposition of the mind by which a person spontaneously wills to be deprived of such thing for the sake of Christ” (DP II, 13, §14). Marsilius emphasized the conscious renunciation of temporal goods in order to a greater good. Because of that, the evangelical perfection was an action which attributed merit to the moral character of agent⁷³. In other words: an internal decision which appears in laudable action: the renunciation of possession or property. Marsilius was clear to state that. He said through the poverty vow renounces, for the sake of Christ, “as proper to himself or in common, all power, disposition and handling or use of things superfluous to what is sufficient for him at the present moment, both in quantity and in quality”⁷⁴. This is what the writer of *Defensor* called “evangelical perfection”⁷⁵.

This condition is superior to anyone who follows the model of Christ because it withdraws all wishes and earthly barriers which could block enjoyment of the love of God⁷⁶. Moreover, for Marsilius, the ecclesiastics must observe a life of poverty lived by Him.

Christ on his way through this world, displaying the height of perfection in a peculiar way, did not have any acquired dominion, in the first, second or third signification of dominion, of any temporal thing or its uses either as proper to himself or in common with another⁷⁷.

To support his argument Marsilius quotes a few passages of the Bible⁷⁸. He also emphasized that the vow of poverty completes the other advice given by Christ, like charity, for example⁷⁹; showing it is proper and necessary to clerics to observe this vow closely⁸⁰. Sharon Kaye called attention to this point:

⁷¹ About the importance of priesthood in Marsilius’ society look at: José O. BARBALHO. “O Sacerdote como Magister e a Doctrina Christiana”. In: Sérgio R. Strefling; Lucas Duarte Silva (Orgs). **De Cogitationi Politica Mediaeva**. Pelotas: Santa Cruz, 2012, p. 109-118.

⁷² DP II, 13, §22.

⁷³ DP II, 13, §15.

⁷⁴ DP II, 13, §22.

⁷⁵ DP II, 13, §22. Look at DP III, 2, §38.

⁷⁶ Here, it must be said that Torracco is right in arguing that Marsilius emphasizes detachment from material goods to fulfill with their function.

⁷⁷ DP II, 13, §36.

⁷⁸ DP II, 13, §24 and §25.

⁷⁹ Indeed Marsilius strove to distinguish between charity and poverty. Look at: DP II, 13, §§18-21.

⁸⁰ DP III, 2, §4. Leo STRAUSS understands that Marsilius would have extended the voluntary poverty for all Christians, “[...] that those who do not live in voluntary poverty are bad Christians” (2005, p. XII). We consider this position exaggerated, the voluntary poverty is necessary just to the priesthood and not for all those who believe in Christ, otherwise the civil ruler, as faithful, also ought to observe that, which does not seem to agree with Marsilius’ thought.

the necessity of supreme poverty to eternal salvation highlighted by Marsilius was “part of Marsilius’ theological refutation of the Avignon papacy” (1994, p. 274). In 1323, Pope John XXII invalidated the bull *Exiit qui seminat* which accepted Franciscan evangelical poverty and did not accept the distinction between right of use and right of property. Likewise of Franciscan theory, Marsilius understood:

[...] who makes such a vow abdicates temporal things in an absolute sense, and as far as is possible and licit for one on his way through this world: since it is not his will to have, at one time, *anything except what is necessary to supply a single present or almost-present want of food or covering*⁸¹.

Marsilius defended that the priesthood ought to use the temporal goods only, because it was allowed by divine law. Then, Marsilius introduces a simple distinction about the terms *licit* and *illicit*. He said, from the human law view if someone disclaimed the right of possession, he could never hold something licit, even for simple use. The usufruct of something, from this viewpoint, involves possession, the right to use and dominion, as we saw above. Because of that, Marsilius has not accepted the clerics to have the right of use – in this point Marsilius accepted Pope John XXII’s position. Nevertheless, licit and illicit can be related to Divine law and, from this viewpoint, somebody can use something to preserve life, once even Christ did that⁸². Here, Marsilius had a difficult task to get over: by some manner he must say the clerics have a momentary possession to use something but without proper dominion in terrain plan, once divine law allows it. And Marsilius’ answer is: the clerics can manage something with the consensus of the donor. In his words: “that he uses it in a way that is licit is apparent from the definition of ‘licit’, since it is permitted by law for anyone to use what belongs to someone else, even including its consumption, if the owner of it gives his express consent for this”⁸³.

With this answer, Marsilius not only gets over this difficulty, but also shows important consequences for his project against the *plenitudo potestates* by Pope. He preserved his proposal that clerics have not proper property or other kind of jurisdiction from the human law view and put, at the same time, the Catholic Church over the temporal protection of the civil ruler⁸⁴. In the first discourse of *Defensor pacis*, Marsilius had shown that the ruler was established by the consensus of people (or by the most important part) to administer the temporal goods in the best way to keep the peace and order in society by using coercive power⁸⁵. Being the priesthood part of Marsilius’ society, once they have an important role in teaching the necessary to blessedness in the other world; then the ruler must provide the necessary goods for clerics to live. In subsequent chapters on the discussion of poverty, Marsilius showed how the ruler should coordinate the Council⁸⁶, reserving to the Pope only the administrative tasks without power of decision. In Marsilius’ ecclesiology, the Pope has the same power like any other

⁸¹ DP II, 13, §23. [Our highlights]. For Sharon Kaye this distinction: “as such, it must be understood as a product both of his scriptural exegesis and of his political agenda” (1994, p. 274).

⁸² DP II, 13, §5.

⁸³ DP II, 13, §8.

⁸⁴ DP II, 14, §8; DP III, 2, §27.

⁸⁵ Look at: DP I, 12, mainly the §3.

⁸⁶ DP II, 21.

member of the Church, priest or bishop, and he has not any kind of privilege. Marsilius denied the primacy of St. Peter that was established directly by Christ, for him the Pontiff was a creation by the body of the faithful to comply with the original role⁸⁷.

LAST CONSIDERATIONS

We tried to show through this work Marsilius' contribution on the poverty debate. Despite the vow of poverty being a religious issue, it also has a terrain implication. The Italian thinker made a careful argument by distinguishing the juridical terms used in his time jointly with a particular exegesis of the Bible. He defended that the clerics do not have any kind of dominion or coercive power on temporal goods. Christ's followers must observe the model of life left by Him, during his passage on earth; i. e.: they must renounce all kind of dominion and use just the necessary to support their physical needs. This was the fundamental poverty vow characterized by the supreme ecclesiastic poverty. But the question of poverty was not only about the resignation of temporal goods, it was also a disposition for action, part of moral character of the agent. In other words: a virtue. And for Marsilius: the highest of virtue; which improved all other advice given by Christ for those who want to follow his footsteps, becoming the priesthood which is worthy of eternal blessedness.

To Marsilius, the renunciation of the right to have temporal goods was in accordance with what is described in the Gospel⁸⁸ and with the lifestyle the apostles had. Furthermore, it helped the ecclesiastics to have laudable functions in society and taking off all temporal concerns and wishes. In this way, Marsilius' approach to this debate was not only political, although that was his principal concern, but also theological; once his society did not deny the spiritual valuables⁸⁹. The Church was part of a perfect society, because Marsilius had a concern to develop an ecclesiology in the second part of *Defensor*

⁸⁷ DP II, 16, §4. Look also at DP III, 2, §17. This thesis was one considered heretical by Pope John XXII.

⁸⁸ Here it is important to mention a debate between SPIERS and CONDREN on the sources of Marsilius in the poverty question. SPIERS, in his study *The Ecclesiastical Poverty Theory of Marsilius of Padua*, presents three hypotheses: "1 Marsilius was only apparently Franciscan in theory, [...] 2 He reacted to contemporary sources which were neither Franciscan nor papal specifically; [...] 3 "Marsilius of Padua, in discussing ecclesiastical poverty was, above all else, the traditionalist" (1977, p. 5). SPIERS concludes that Marsilius when using biblical and patristic sources was a traditionalist. In his words: "It is our third and major contention that Marsilius was, above all else, a traditionalist. [...] He was attuned to a long Biblical and post-Biblical tradition dealing with poverty in the Church. He also made much of Patristic arguments and the substrata of canon law. [...] His view of the place of ecclesiastical goods and property in relation to both church and state is quite clear from his perception of the new testament and Patristic Church's experience" (1977, p. 15). CONDREN, in his work *Marsilius of Padua and the Poverty of Traditionalism*, reconstructs the SPIERS' arguments and considers the third hypothesis unsustainable. He said it was a mistake to call a polemical writer, as Marsilius, of traditionalist (1978, p. 394). In addition, CONDREN considers that the sources used by Marsilius are sources that were commonly used and were convenient for their purposes (p. 395). We agree with CONDREN and believe that SPIERS used the term "traditionalist" in a wrong way, even recognizing that the sources cited by Marsilius may be considered "traditional".

⁸⁹ La promesse de la vie éternelle n'a rien d'une fiction; elle est au contraire le but même à poursuivre dès cette vie, car elle fait partie intégrante de la notion de vie suffisante, but ultime de l'organisation politique" (QUILLET, 1970, p. 106).

*pacis*⁹⁰. Of course, we can discuss whether it is certain that his ecclesiology and his exegesis are right. We know that many of these arguments were against the official Church discourse, but this is another problem. Marsilius did not deny an important Church role in society, but wanted the bishop and priest to comply with their original function; and that involved coercive power⁹¹.

With regard to the approach of Franciscan thought, we can trace at least two similarities, even if it is not proof of direct influence. First, Marsilius, likewise Franciscans, defended the distinction between use and right of ownership (*dominium*). Marsilius does not accept the *simples use* as right while some Franciscan thinkers accepted that, but he admits the priesthood could just use temporal things with the donor's consensus, like Franciscan extremist position. Second, both agree with the fact of defense that the poverty vow was an ideal life for clerics. Certainly, these cannot be sufficient to indicate a strong connection between the Italian writer and Friars' minors. The motives are clearly different: while the Franciscan thinkers had tried to justify the ideal of life preached by St Francis, Marsilius was concerned to avoid any kind of coercive power to clerics, showing that it was not part of their function, but both agree that the renunciation of worldly goods is important to Christ's followers.

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⁹⁰ In BAYONA's words: "Los dos planos del discurso, el racional y el religioso, no se mantienen separados ni se dirigen a un público distinto, supuestamente la teoría política de la Iª a los filósofos y la teología de la IIª a los sacerdotes. Las dos partes se dirigen a todos los ciudadanos cristianos y hablan de la organización racional de la convivencia y del poder, con independencia del tipo de argumentos empleados. La distinción de planos no establece un tipo de verdad diferente en cada parte, sino que ambas demuestran la misma verdad: sólo hay un poder y no es sacerdotal. La clave es la unidad de soberanía, por la que el origen del poder, sea civil o eclesiástico, es el mismo, siempre humano" (2007, p.66). The same idea about the unit of Marsilius' discourse can be found in DAMIATA, 1983, p.19s.; and DOLCINI, 1999, p. 7s. BATTOCCHIO, 2005; MAGLIO, 2003.

⁹¹ We agree with BATTAGLIA's position. He says: "il sacerdozio è stato istituito da Cristo stesso, il quale pure abbiamo visto aver abdicato a tutti i beni mondani, e non dal legislatore umano, causa efficiente d'ogni ufficio e d'ogni potestà" (1928, p. 137). The similar position can be found in BATTOCCHIO, 2005, p. 137s.

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