

Aegidius Romanus and the Authorship of « *In utramque partem* » and « *De ecclesiastica potestate* »

The struggle between Pope Boniface VIII and Philip IV of France occasioned a veritable spate of writing. The point at issue, of course, was the universal influence of the Pope — even on temporal matters — when the spiritual ends of the Church were at stake. The King argued rather for his own independence in regard to temporal affairs within the boundaries of his realm. Adherents of Pope and King, curialists and regalists respectively, frequently exaggerated the claims of their principles and even went so far as to invent arguments whose basis was practically non-existent. Some curialists, making kings and princes nothing more than delegates of the Pope, extended the Sovereign Pontiff's authority to all aspects of life, whether spiritual or not. On the other hand, regalists held the view that no act of the Pope could influence the people of France without the permission of the King of France.

Aegidius Romanus, one of the most famous writers in the controversy, was for a long time thought to be one of the exaggerated curialists. More recent research has, however, disproved this opinion ¹⁾. Foremost among the regalists were Philip's political advisors, Pierre Flote and Guillaume de Nogaret, with Jean (Quidort) de Paris constructing the theological arguments.

Holding a position somewhat midway between curialist and regalist was the writer of *In utramque partem*. His identity had been considered unknown until 1939, when G. Vinay edited a critical edition of the work and claimed Aegidius Romanus as the author.

¹⁾ R. KUITERS, *De ecclesiastica sive de Summi Pontificis potestate secundum Aegidium Romanum*, in *Analecta Augustiniana*, XX (1947), pp. 146-214; also separately, Vatican City.

Vinay, indeed, denies the certain authorship of *De ecclesiastica potestate* to Aegidius ²⁾.

The purpose of the present article is to examine the new edition of *In utramque partem* and to discuss the arguments of Vinay. The arguments, it should be noted, greatly influence the criticism of the edition itself.

Vinay states: The Mss show Aegidius as the author of « In utramque partem ».

To put some order in the various MSS of the *Quaestio*, Vinay names them in order of importance: A₁, A₂, A₃, B, C₁, C₂ and C₃. He considers the first two as the most important.

A₁ (MSS lat. 15004 of the National Library of Paris) ends with an *explicit* which includes the name of Aegidius:

Explicit questio [predicta] edita per bone memorie Egidium de Roma Ordinis fratrum Heremitarum sancti Augustini, sacre theologie eximium professorem ac archiepiscopum Bituricensem, secundum quod fertur.

A₂ (MS lat. 4358 of the same library) lacks this *explicit*.

Vinay's reasons for considering these two manuscripts as the most valuable may be summarized as follows:

1) They are intimately connected with the apocryphal Bull *Deum time*. This indicates an early and precise connection which is historical, not intrinsic and logical.

2) Both MSS are labelled « *Quaestio disputata* », a scholastic term which reveals their origin.

3) The *explicit* in A₁ confirms the scholastic origin and probably indicates the provenance of A₁ as the Augustinian School.

Although the conclusion of these arguments would seem quite evident, we may first examine and weigh the arguments themselves.

1) The relation of MSS A₁ and A₂ should result from their title and position in the codex of which they form a part. A₁, the principal text for Vinay, has the following title: « *Quaestio bene disputata et argumentata super debato praecedentium litterarum* ». First of all, it should be noted that letters follow but do not precede A₁.

²⁾ G. VINAY, *Egidio Romano e la cosiddetta 'Questio in utramque partem'*, in *Bollettino dell'Istituto Storico Italiano per il medio evo e Archivio Muratoriano*, LIII (1939), introduction, pp. 43-92; text, pp. 93-136; also separately.

Furthermore, although A₂ has the same title, letters do precede it as they precede B and C₂ which lack titles. There would seem to be little reason, then, to suppose that the title of A₁ and A₂ is authentic. Nor can we say that their position in the codex is historical, especially in view of the fact that B and the C group, admittedly older, lack a title ³). The French translation of the *Quaestio*, made before 1380 and older than group A, likewise lacks a title.

Now Vinay explains the lack of title of MS B, dating from 1318, found in the National Archives of Paris (II-28), and the oldest of the available texts. This manuscript, says Vinay, is a quasi-official copy. But, he adds, this is of no consequence to the importance of the manuscript, thus forestalling the question as to why he prefers A₁ and A₂. B is semi-official because Scholz should have said this in his work *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz VIII* ⁴). Scholz, indeed, does speak of Codex 28 B, which contains MS B, and Codex 29 C as two volumes in the old library where they stood next to each other. However, he comments as follows: « Both volumes were evidently made for the private use of their owner, because they contain not only official letters and Papal Bulls but private works also ». Where, then, is the semi-official character of the text of the *Quaestio* in Codex B? On the following page of the book just cited, Scholz speaks of a semi-official enumeration of order of the codex; that is to say, the different parts are inserted in their chronological order. There is surely a great difference between an official order of texts and the official status of the text itself.

Furthermore, proceeding on the assumption of the officialness of text B, Vinay envisages a text, aptly designated as « X », which is anterior to B and the C texts, and on which the latter texts depend. If B is official, obviously its source, X, also is official. But why all this preoccupation with an official quality? The answer seems to lie simply in Vinay's difficulty with the lack of title in

³) MS B dates from before 1318 and is found in the National Library of Paris (II-28). MS C₁ dates from the XIV-XV century and is likewise in the National Library of Paris (MS lat. 12467). MSS C₂ of the Arsenal Library of Paris (MS 2450) and C₃ of the Public Library of Bordeaux (MS 406) are of the XV century. L. Delisle dates C₁ as of the XIV century. Cf. *Inventaire des manuscrits de St.-Germain-des-Prés* (Paris, 1868), p. 53.

⁴) *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz VIII* (Stuttgart, 1903), p. 226.

the admittedly older texts; and the title is necessary to prove the scholastic character of the text as proceeding from the school of Aegidius. The argument regarding the absent title is further weakened by the consideration that B and the C texts must proceed from the supposed text X in the time between 1302 (the date of composition of the *Quaestio*) and 1318 (the date of B). It would have been easier for Vinay to consider the title as spurious, in that it is found only in the A_1 and A_2 texts, the more recent ones.

There still remains a further difficulty in Vinay's hypothesis. How can A_1 have the title « *Quaestio bene disputata et argumentata super debato praecedentium litterarum* », when there are no *litterae praecedentes* but only *litterae sequentes* in the codex?

2) Another reason for Vinay's preference for A_1 and A_2 is the title's classification of the *Quaestio* as *scholastic*. Everyone recognizes « *quaestio disputata* » as a scholastic disputation. However, the title in A_1 and A_2 reads « *Quaestio bene disputata et argumentata super debato praecedentium litterarum* ». This is a slight divergence, to be sure, but it would seem sufficient to rule out the argument, the usual form being « *quaestio disputata* » (e. g. *de malo* or *de veritate*). Furthermore, the end of the *Quaestio* fails to give evidence of its being a scholastic disputation. The conclusion runs as follows:

Omnia premissa et singula dicta sint sine preiudicio sententiae melioris opinando tantum, non temere sentenciando. Licet autem multe rationes ad primam partem adducte, sint solubiles et necessario non concludant, quia ad istam materiam non possunt demonstrationes adduci, tamen causa brevitatis eas non solvimus.

One cannot qualify such a statement as magisterial. St. Thomas might end a question with a statement like this, « *Alia concedimus, quia verum concludant, licet aliqua eorum non sufficienter* » (*De gratia Christi*), but never would he use a conclusion so doubtful and irresolute as the one cited above. Nor should one overlook the phrase « *causa brevitatis* ». Surely such a reason rules out Aegidius, the *Doctor loquax*.

Consequently, even if the title should be authentic — and Vinay has not proved its authenticity — it by no means stamps the work as scholastic, while the conclusion of the *Quaestio* makes its sound even less scholastic.

3) Next, following Vinay's argumentation, let us examine his final proof for considering A_1 and A_2 as the most valuable ma-

nuscripts. His argument deals with an *explicit* found in A₁ only. The *explicit* reads thus: « Explicit questio... per... Egidium de Roma... sacre theologie eximium professorem ac archiepiscopum Bituricensem, secundum quod fertur ». Vinay admits that Scholz, whose authority he had previously invoked, does not place much value in the *explicit* because the manuscript is of the fifteenth century and the attribution is weakened by the expression « quod fertur ». He counters, however, by observing that Scholz would have modified his opinion if he had read the index to the codex of folio 4v and had not confined himself to the text of the *explicit*. For then he would have seen that « secundum quod fertur » refers only to the title « Archiepiscopum Bituricensem » and not to the attribution of the *Quaestio* to Aegidius. Thus, the *Quaestio* is definitely ascribed to Aegidius, but the writer of the *explicit* and still more the compiler of the index doubted that Aegidius had been Archbishop of Bourges. Surely, the argument runs, if the writer(s) of these two lines had doubted the authenticity of the *Quaestio*, he would have written: « Explicit questio bene disputata super eadem materia compilata, ut fertur, per Egidium de Roma, quondam Bituricensem archiepiscopum », which is the text of the *explicit* at the end of Codex A₁. Vinay thus alleges folio 4v to demonstrate the inadvertence of Scholz, who read 63v only. But consulting Scholz, we find that he cites, not the *explicit*, but the attribution on 4v which reads *ut fertur* and not *quod fertur*⁵⁾. Vinay's interpretation of Scholz is obviously in error.

What is more germane to the question is that the *explicit* actually does express a doubt as the ascription to Aegidius and not merely as to the latter's title. If, indeed, the title of archbishop should be questioned, with equal logic that of « eximius professor » is likewise questionable. On the other hand, the obvious meaning of the *explicit* is surely this: « Explicit questio edita per bone memorie Egidium de Roma Ordinis fratrum Heremitarum sancti Augustini... secundum quod fertur ». Thus did the copyist of the whole codex understand the « secundum quod fertur » of the *explicit*. Nor did he read folio 4v only as Vinay supposes. On the contrary, he seems to adopt the words « questio bene disputata » from the title and « archiepiscopum » from the *explicit*, whereas folio 4v reads « episcopum ».

⁵⁾ *Ibid.*, p. 225.

Finally, Vinay — still assuming that « *secundum quod fertur* » relates to « *archiepiscopum Bituricensem* » only — asserts that these two phrases must be considered as a later addition in the fifteenth century, whereas the words « *per bone memorie Agidium de Roma O. fr. Heremitarum s. Aug., sacre theologie eximium professorem* » date from the time within twenty years after the death of Aegidius (1316). His reason is that the expression « *bone memorie* » was used in this *explicit* by his disciples who had known Aegidius as their « *eximius professor* » but not precisely as archbishop. That « *bonae memoriae* » denotes a more intimate pious expression used by confrères or by disciples and then only for a relatively short time (twenty years, say, after the individual's death) is a meaning unknown to any Latinist, not even to Ignatius Maria Como, who in his *Dissertationes philologicae*, tomus IX (Venice, 1733), has a special book about the words « *bonae memoriae* », « *piae memoriae* », etc.

The absence of the *explicit* in all the MSS except A₁ and A₂, Vinay explains by an apposite invention. The copyists, he says, who used the supposed MS X, mentioned above, suppressed the *explicit* with the damning name of Aegidius because the latter had made a *volte-face* in his work *De ecclesiastica potestate*. The argument is ingenious but it does nothing to explain why the *explicit* is present in one manuscript but is absent in the older ones.

As a result of all this, one must reject Vinay's conclusion that there is a supposed MS A from which A₁ and A₂ descend and which is to be preferred to the older B and the C group. Moreover, since even A₂ lacks the much-mentioned *explicit*, one must decide that Vinay's somewhat tortuous argumentation failed in its purpose.

Vinay says: The life and doctrine of Aegidius show him as the author of the « Quaestio ».

In order to explain the presence of *In utramque partem* among the works of Aegidius, Vinay declares that after his earlier works, *De regimine principum*, *Quomodo reges*, and *De renuntiatione Papae*, Aegidius was drawn to a more penetrating study of the relation between Church and State because of the vehemence of the polemical writings which appeared later. Vinay posits a profound evolution in the mind of Aegidius between the earlier works and the *Quaestio*, an evolution which he admits as a substantial modification. Substantial it is, for Aegidius passes from being a

defender of the Pope and, if not precisely a regalist, comes to occupy a somewhat precarious position between the opposed parties. However, events of 1302, comments Vinay, must have had such an influence on Aegidius that he rejected any compromise and returned to the Pope's camp with his work *De ecclesiastica potestate*. All this intricate and complicated development Vinay sees as a coherent process in which *In utramque partem* marks the turning point, is, in fact, an essential and necessary part of the historical evolution of the mind of Aegidius. This is, of course, a beautiful confirmation of the conclusion reached by the examination of the manuscripts.

It is, however, an hypothesis only. In fact, if literary coherence is any criterion of authenticity, it is much easier to suppose that Aegidius never wrote the *Quaestio* but in early and late works both was and remained a defender of the Pope. There is definite opposition between the certain works of Aegidius and the *Quaestio*; and if he should ever be proved the author of the latter, then scholars will be hard put to explain its place in the writer's life and work. In Vinay's hypothesis one can see ambiguity but in no wise a coherent process. Regretfully, one must conclude that the hypothesis is nothing more than an artificial buttressing of an already indefensible position.

Our conclusion, then, remains: neither the manuscript evidence nor the life and works of Aegidius can prove that he wrote *In utramque partem*.

Vinay sums up the history of the question of the authenticity of the « Quaestio ».

Because the knowledge of the manuscript tradition of the *Quaestio* was imperfect, says Vinay, many inaccurate notions concerning this book have been circulated in history. Goldast, in his *Monarchia*, attributed the *Quaestio* to Aegidius on account of the *explicit* ⁶⁾. Gandolphus doubted the authenticity of the *Quaestio* because he had found in Codex 130 of the Angelica in Rome the treatise *De ecclesiastica potestate*, which was there ascribed to Aegidius ⁷⁾. Finally, in 1858, Ch. Jourdain gave the first clear know-

⁶⁾ M. GOLDASTUS, *Monarchia Sancti Romani Imperii* (vol. I, Hannoviae, 1611 [not Francofordae, as Vinay has]; vols. II and III, Francofordae, 1614), II, p. 95.

⁷⁾ Vinay cites S. BROSS, *Gilles de Rome et son traité « De ecclesiastica potes-*

ledge of *De ecclesiastica potestate* and at the same time firmly denied that Aegidius wrote the *Quaestio*. So far Vinay.

What is to be said about all this ? First, Gandolphus was not in doubt concerning the relation between the *Quaestio* and Aegidius. As a matter of fact, he writes: « Liber de potestate ecclesiastica editus a Goldasto [the *Quaestio*] revera non est nostri fundatissimi [Aegidii] videatur tomus 4 Theologiae P. M. Gavardi tract. de hier. eccl. art. VI, n. 4 ». In other words, Gandolphus roundly rejects the authenticity of the *Quaestio*. Moreover, he was hardly in possession of merely vague information from a codex in the Angelica but knew that Gavardi asserted the Aegidian authorship of *De eccles. pot.*, while denying the authenticity of the *Quaestio* which had been asserted by Natalis Alexander and, more doubtfully, by Goldast. It is to be observed that Gavardi notes that the *explicit* of the *Quaestio* is in Goldast's hand and is not part of the manuscript edited by him. It will doubtlessly please the reader to see how Gavardi defends the Aegidian authorship of *De ecclesiastica potestate*, anticipating by two centuries the arguments of Ch. Jourdain of 1858. Responding to the opinion that « Reges in temporalibus nulli Ecclesiae potestati Dei ordinatione subici », Gavardi writes:

« 1. Certissimum est Fund. Doct. edidisse librum de Potestate Pontificia in tres partes divisum, qui in pluribus Nostri Ordinis Bibliothecis et in Romana duplicatus habetur, et ob stili congruitatem, et consonantiam ad ea, quae aliis dixit in libris, ipsius esse nonnisi supine posset negari. In hoc fusissime probat Papam habere gladium spirituales ad usum, et materiales ad nutum: habere iura caelestis, et terrestres imperii; omnem potestatem saecularem subijci potestati spirituali ita, ut non solum reges quoad personam, tamquam fideles, subiiciantur Papae, sed etiam eorum potestas Papae potestati subdatur, et gladius sit sub gladio; et p. 3 solvit rationes illius a libri Goldasto editi. 2. Stilus libri, quem refert Goldastus, est toto caelo diversus a stilo Fund. Doct. 3. Liber ille art. 5 primo versus

tate » (Paris, 1930), p. 315. Vinay did not observe that the codex mentioned (Codex 130 of the Angelica in Rome) also contains *Questio in utramque partem* after *De eccles. pot.* of Aegidius and *De regimine christiano* of James of Viterbo as Scholz had indicated in his critical edition of *De eccles. pot.* (Weimar, 1929), p. viii. This MS is of the XV century and most resembles C₁; it lacks an *explicit*. It is found in ff 273r-294v. At the words in part V « Dominus noster rex » a glossa in the same handwriting is added: « Hic ostendit auctor se esse Gallum, et vixisse circa annum 1340, non longe a tempore canonisationis S. Ludovici Regis franciae ». Cf. E. NARDUCCI, *Catalogo Cod. Man.* (Romae, 1893), I, p. 68. The MS is still indicated as man. lat. 130 and begins « multum differant claritate ».

finem Regem Galliae vocat Dominum, ac Regem nostrum: Dicamus ergo, quod Dominus noster Rex etc., quo convincitur eum librum a quodam Gallo fuisse compositum, qui tamen protestatur in fine se scripsisse non sententiando, sed sine praeiudicio melius opinandi; Fund. autem Doctor non Gallus, sed fuit Romanus; et quoties in aliis libris, praesertim de Regimine Principum quem in gratiam Ludovici (*sic*!) Pulcri, excussit, occurrit Regum Gallorum mentionem facere numquam Dominum, ac Regem suum vocavit. 4. Quia liberulus à Goldasto editus in nostra Bibliotheca Romana manu scriptus antiquissima asservatur, nec eius titulus Aegidio, sed incerto auctori inscribitur. 5. Quia contradicit iis, quae scripserat de Renunc. Papae, lib. cont. exemptos, in epist. ad Romaneos, et pluribus alijs libris; unde prorsus inverisimile est voluisse tantum Auctorem tot suos libros mutata repente sententia subvertere. Tandem quia quod Goldastus dubitanter, Natalis asseveranter attribuit; unde si caeteri Auctores, quos illa (*sic*!) in sua refert historia, eodem modo referantur, quaedam fides est ei adhibenda? ».

New arguments disprove the Aegidian authorship of the « Quaestio ».

Notwithstanding the arguments of Gavardi which Vinay found substantially in Jourdain, he first declares that Aegidius revised and corrected the text of the *Quaestio* ⁸⁾; on the next page he says that Aegidius had a part in the discussion; then it follows that Aegidius wrote it ⁹⁾; nay more, he composed it with enthusiasm ¹⁰⁾.

This being the case, it seems useful to give some arguments which strengthen the position of Gavardi and Jourdain.

It should not be necessary to underscore the fact that of all the manuscripts A₁ only has the doubtful attribution to Aegidius. In the copy which Vinay used the *explicit* is written in a fifteenth-century hand. As Vinay mentions, Goldast, in the seventeenth century, was the first to edit the *Quaestio* and he attributed it to Aegidius because of the *explicit* he found in his MSS. Later authors, e. g., Natalis, follow Goldast in their opinion as to the identity of the author of the *Quaestio*. Furthermore, the doctrine of the *Quaestio*, far from being consistent with, is contrary to, the teaching of *De ecclesiastica potestate*.

Another argument militating against Aegidian authorship is the

⁸⁾ P. 62.

⁹⁾ P. 76.

¹⁰⁾ P. 80.

poor philosophical quality of the *Quaestio*. Three examples will serve to illustrate this.

a) The *Quaestio* gives three reasons for the necessity of having one subject for the spiritual power and another for the temporal power. The reasons are that the two powers are to be taken as « *potentiae distinctae* », that they have diverse objects, and that their respective aims or goals are different. These reasons obviously fail to lead to any conclusions regarding necessarily different subjects. Especially is this so in that the second argument uses the difference between hearing and sight (*auditus* and *visus*), and the third argument uses sense and intellect (*sensus* and *intellectus*). All of these examples are actually able to be found in one subject.

b) In the second philosophical argument we read: « *temporalia et spiritualia sunt omnino distincta nec sub eodem genere continentur nec communicant in materia, ergo...* ». The disciples of Aegidius would smile at this division supposedly made by their « *eximius professor* » who was « *melior in Villa* », because they would know from Aegidius' *Theoremata de esse et essentia* that there is a third possibility of community, namely, « *secundum genus in unitate analogiae* »¹¹). Neglect of this third possibility is the more reprehensible or the more mysterious in that it forms the principal foundation for the necessity of the distinction between *esse* and *essentia*, a doctrine of no slight importance in Aegidian teaching.

c) Still worse is the fact that the author of the *Quaestio* explicitly contradicts himself. In the intermediate conclusion of the philosophical argument we read: « *ergo et potestates sunt omnino disparate* »; in the second: « *sed temporalia et spiritualia sunt omnino distincta... ergo temporalis et spiritualis potestates sunt distincte non dependenter ad invicem* ». Then we find in the eleventh argument the following contradictory statement: « *si autem iste duo potestates essent omnino distincte ita quod una dependeret ex alia, ista diversitas esset occasio divisionis, sed inter ea est mutua dependentia, quia...* ». In the face of this reasoning which, however it might become a jurist, hardly befits a philosopher, Vinay says that Aegidius rebukes his opponents quietly but with all the rigor which lies in the coherence of his philosophical, theological and canonical conclusions¹²).

¹¹) E. HOCEDEZ, *Aegidii Romani Theoremata De Esse et Essentia* (Louvain, 1930), p. 5.

¹²) P. 78.

Other defects of the *Quaestio* might likewise be noted. For example, take the incoherent proposition of an objection and a confused and wholly empirical solution of a philosophical difficulty which marks the writer as superficial ¹³). Sometimes that is supposed which is to be proved ¹⁴). One finds also answers which are not pertinent to the matter under discussion ¹⁵).

Finally one can point to some internal but patently inconsistent peculiarities which confirm the lack of identity in the writers of the *Quaestio* and of *De eccles. pot.*, although the works are from about the same time of composition. In the *Quaestio* (three times shorter than *De eccles. pot.*) Aristotle is cited five times with the book indicated once only and then it is not to the point. In *De eccles. pot.*, on the other hand, Aristotle is cited more than thirty-five times with the exact place indicated each time and none of these is the same as those in the *Quaestio*. In the latter work St. Augustine is quoted twice, inexactly and without reference. In *De eccles. pot.* he is cited over forty times, again with the precise place noted and once again the citations are not the same as those of the *Quaestio*. The same thing can be seen with regard to the following: Denis, twice in the *Quaestio* and inexactly, seven times in *De eccles. pot.* and exactly; Bernard, once and five times respectively; Gregory, once and three times respectively.

The *Quaestio* always uses the title « beatus » in citing Ambrose, Gregory, Denis, Bernard, and Augustine, or a phrase such as « Augustini et aliorum sanctorum ». Aegidius never uses the term « beatus » but gives the name only in *De eccles. pot.*, *Quomodo reges*, and *De renuntiatione Papae*. The sole exception is once only for Augustine, a not unnatural thing for an Augustinian.

In the *Quaestio* Noah is king, not priest ¹⁶); in *De eccles. pot.* he is priest and not king ¹⁷). In the former work Melchisedech is king and priest, with Scripture being given as authority for this position, although the place is indicated once only as *Hebrews* ¹⁸). In *De eccles. pot.* the same opinion is defended four times, with *Genesis* 15 cited and *Hebrews* not at all. In the *Quaestio* Moses is

¹³) *Arg.* III, p. 121; *arg.* I, p. 120.

¹⁴) *Arg.* III, p. 122.

¹⁵) *Arg.* V, p. 122; *arg.* II, p. 121.

¹⁶) P. 125.

¹⁷) Scholz edition, p. 145.

¹⁸) P. 125.

not a priest ¹⁹⁾ ; in *De eccles. pot.* he is ²⁰⁾. Enough of this, however, It should be clear that the author of the *Quaestio* did not write *De eccles. pot.*

Vinay says: *Aegidius did not write « De eccles. pot. ».*

As a consequence of his whole line of investigation, Vinay logically should deny the Aegidian authorship of *De eccles. pot.* This, indeed, he does ²¹⁾. The following is a résumé of his arguments.

a) If Aegidius wrote *De eccles. pot.*, he had to do it in three months, which is much too short a time for so large a work.

b) No manuscript offers an *explicit* with the name of Aegidius. One finds his name only in the dedication of the work where Aegidius offers the « *compilacionem* » to Pope Boniface VIII.

c) The most important argument is that James of Viterbo cites the author of *De eccles. pot.* as « *quidam* ». Now since Augustinians had to follow the teaching of Aegidius in conformity with the decree of the General Chapter at Florence in 1287, James, had he recognized Aegidius as the author, would hardly have used so vague a denomination.

To these arguments the following responses may be made. First, it is only in Vinay's hypothesis that Aegidius had but three months to write the work. It follows from his affirmation that Aegidius, the author of the *Quaestio*, must have been in France (Paris ?) at the time that he took notice of *Deum time*, a false Bull ascribed to Boniface VIII and circulated by Pierre Flote. In his support Vinay cites S. BROSS, *Gilles de Rome et son traité 'De ecclesiastica potestate'*, and U. MARIANI, *Scrittori politici agostiniani del secolo XIV* ²²⁾. In fact, however, both authors assert that at the time Aegidius was at the Curia. Scholz ²³⁾ and Rivière ²⁴⁾ state the same. Consequently,

¹⁹⁾ P. 126.

²⁰⁾ Scholz edition, pp. 28 ff and 145.

²¹⁾ Vinay attacks G. BRUNI, *Le opere di Egidio Romano* (Firenze, 1936), for attributing *Quomodo reges* too easily to Aegidius, since Possevinus (1606) was the first to make this designation, and he is already quite late. However, the edition of Badius in 1554 ascribes the work to Aegidius.

²²⁾ *Scrittori politici agostiniani & c.* (Firenze, 1927), p. 47.

²³⁾ *Die Publizistik & c.*, pp. 39-41; AEGIDIUS ROMANUS, *De eccles. pot.*, XI.

²⁴⁾ J. RIVIÈRE, *Le problème de l'Eglise et de l'Etat au temps de Philippe le Bel* (Louvain, 1926), p. 143. If it be true that *De eccles. pot.* was not written in 1302 but in 1300, as Friedeman has recently established, this date is even more reason

being under the eyes of the Pope, Aegidius was much more likely to write *De eccles. pot.* than the *Quaestio*.

To the second argument that Aegidius was merely one of the collaborators in the « compilacio », one might adduce James of Viterbo's *De regimine christ.*, whose *explicit* reads as follows: « opusculum de regimine christiano *compilatum* a fratre Iacobo de Viterbo... »²⁵). Moreover the *explicit* of *De eccles. pot.* calls the work a « liber ». And while it is true, as Vinay observes, that Aegidius' name is not mentioned here, such mention would have been superfluous ; for in the dedication to Pope Boniface VIII his name is duly given: « frater Egidius, eius humilis creatura ». Thereafter he begins as follows: « Incipiunt capitula primae partis praesentis libri de ecclesiastica potestate... Capitulum primum. — in quo est prologus huius libri... ».

Vinay's contention regarding James of Viterbo is easily solved. In the first place, one might note that at the time it was not customary to name the masters used. Nowhere in the works of James do we find the name of Aegidius or Thomas. Furthermore, in *Abbreviatio in I Sent. Aegidii* James cites Aegidius as « quidam » as he does in *Questiones parisiis disputatis de predicamentis in divinis*, designating him also as « alii »²⁶). Finally, the decree of the General Chapter did not mean that an Augustinian could not disagree with Aegidius²⁷). At least it is certain that in the last-mentioned work of James of Viterbo he deliberately differed from the opinion of Aegidius.

In one place Vinay notes as confirmation of his denial of the Aegidian authorship of *De eccles. pot.* that Aegidius' contemporaries are silent concerning it. Scholz, as though by anticipation, already solved this objection by noting that the work was twice explicitly ascribed to Aegidius by Guillelmus Durandus in his *Trac-*

for denying Vinay's position, since then that work was written before *In utramque partem*. Friedeman, however, proving that Aegidius was in France from 1299 to 1302, sustains the position of Vinay in this regard (his study is going to be published soon).

²⁵) H. X. ARQUILLIÈRE, *Le plus ancien traité de l'Eglise* (Paris, 1926), p. 310.

²⁶) D. GUTIÉRREZ, *De Beati Jacobi Viterbiensis vita, operibus, et doctrina theologica* (Civitate Vaticana, 1939; *Analecta Augustiniana*, Romae, 1939), p. 76, p. 81.

²⁷) Cf. R. KUITERS, *The Development of the Theological School of Aegidius Romanus in the Order of St. Augustine*, in *Augustiniana*, IV (1954), p. 174.

tatus de modo generalis concilii celebrandi, which was written in 1310 ²⁸⁾).

Conclusion: Aegidius' authorship of « In utramque partem » is unproved ; that of « De ecclesiastica potestate » is confirmed.

Here we do not intend to repeat our examination of G. VINAY's *Egidio Romano e la cosiddetta « Quaestio in utramque partem »* but simply to sum up our conclusions.

Vinay's argument from the evidence of the MSS is inconclusive, especially in that only the most recent MS gave him any support, and that of doubtful value. The opposite of Vinay's position seems more likely. Furthermore, the life and doctrine of Aegidius make it virtually impossible to ascribe the *Quaestio* to him. The composition and style of the *Quaestio* make it evident that its author did not write *De eccles. pot.* And the authorship of the latter is more surely than ever proved to be the « doctor fundatissimus ».

There is merit, to be sure, in Vinay's attempt, though unsuccessful, to find the author of the *Quaestio*. It is yet to be seen if this pamphlet must not be assigned to a date later than 1302 and if an investigation of the authors engaged in the dispute between Pope John XXII and the Emperor Ludwig (1347) might not be more successful.

The critical edition of the text itself of the *Quaestio* has not suffered too much from the preoccupations of Vinay. Readers will be content that in important variants the oldest MS (B) is followed, although one might wish that it had been followed even more. In any case, one can find the best version by gratefully turning to the variants fully reported in the notes.

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²⁸⁾ *Die Publizistik & c.*, p. 217. The places mentioned in the work of Durandus are Pars III, tit. III and XXVI (Paris edition of 1671, pp. 245 and 277). In tit. III one reads: « Istum titulum non prosequor nec etiam 26 de praesenti propter librum quem de contentis in dictis 2 titulis reverendus in Christo frater Aegidius Dei gratia Bituricen. episc. in quo profunditas et sublimitas vigent scientiae, copiose ac utiliter edidit ». This Durandus was a suffragan bishop of Aegidius'; cf. E. MÜLLER, *Das Konzil von Vienne 1311-1312, sein Quellen und seine Geschichte*, in *Vorreformationsgeschichtliche Forschungen*, XII (1934), p. 664. With Aegidius he attended the national synod at Rome in 1302; cf. SCHOLZ, *op. cit.*, p. 210.