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The Medievalist Approach to the Idea of Peace Based on the Example of the Doctrine of Marsilius of Padua

Mediewistyczne ujęcie idei pokoju na przykładzie doktryny Marsyliusza z Padwy

ABSTRACT

The article is to point out the complexity of the idea of peace, which, once formed in the medieval era, has been the foundation of many contemporary institutions in the field of social life in a broad sense. The concept of peace, consisting of a number of issues, is central to the discussion herein. The full presentation of the idea of *pax* requires a reference to the social nature of man and to the relationship of the individual with the social group within which that individual lives. The issue of peace is also coupled with the idea of the common good. It is impossible to characterize the idea of *bonum commune* without a reference to the question of *ordo* and the essence of justice. The author proposes a thesis that the medievalist concept of *pax* combines political, legal, and moral reflection. It develops independently of the theory of wars. Particular attention should be paid to the idea of peace in the thought of Marsilius of Padua, who, drawing on Aristotle's achievements and the ideas developed in the Middle Ages, devised an original concept of peace.

Keywords: the idea of peace; the idea of the common good; social life; Middle Ages; Marsilius of Padua

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INTRODUCTION

The theoretical and practical significance of the idea of peace raises no doubt. The only thing that can be a matter of interest is the lack of a broader discussion on this subject. Peace is usually presented in the literature on the subject as a concept opposite to war, which greatly reduces the essence of the idea. Peace is not just a state without war. This concept is much more complex and elaborate. The issue of war may look only seemingly more interesting than peace, mistakenly considered as inaction, a kind of malaise of social life in a broad sense.

The medievalist thought on the matters of *pax* is so important and diverse that even trying to look at it from a bird's eye view is quite challenging for the researcher. The article is to point out the complexity of the idea of peace, which, once formed in the medieval era, has been the foundation of many contemporary institutions in the field of social life in a broad sense. Therefore, due to the narrow editorial framework of this type of publication, the research field has been limited to the most significant problems. The concept of peace, consisting of a number of issues, is central to the discussion herein. The full presentation of the idea of *pax* requires a reference to the social nature of man and to the relationship of the individual with the social group within which that individual lives. The issue of peace is also coupled with the idea of the common good. It is impossible to characterise the idea of *bonum commune* without a reference to the question of *ordo* and the essence of justice.[1] Therefore, I propose a thesis that the medieval concept of *pax* combines political, legal, and moral reflection. It develops independently of the theory of wars. Particular attention should be paid to the idea of peace in the thought of Marsilius of Padua, who, drawing on Aristotle's achievements and the ideas developed in the Middle Ages, devised an original concept of peace.[2]

A multitude of studies and papers have been devoted to the issue of war.[3] The idea of holy wars and the principles which underpin military action referred to as

[1] A detailed presentation of these problems exceeds the framework of this article, especially the editorial one.

[2] "While in the present monograph I rely on Marsilius's reception of the Aristotelian legacy as a fundamental frame of reference, I am also guided by a belief that Marsilius's political theory offers a kaleidoscopic view of the late medieval world and is rich in meaning and readings drawn from various traditions of learning that extend beyond the Aristotelian heritage" (V. Syros, *Marsilius of Padua at the Intersection of Ancient and Medieval Traditions of Political Thought*, Toronto–Buffalo–London 2012, p. 5).

[3] For example, see P. Contamine, *Wojna w średniowieczu*, Gdańsk–Warszawa 2004; L. Ehrlich, *Polski wykład prawa wojny XV wieku*, Warszawa 1955; M. Michalik, *Moralność a wojna*, Warszawa 1972; *Bellum iustum versus bellum sacrum. Uniwersalny spór w refleksji średniowiecznej. Konstatacja 1414–1418*, eds. Z. Rau, T. Tulejski, Toruń 2014; M. Łuszczyńska, A. Łuszczyński, *Wojna sprawiedliwa, a nie święta. Średniowieczne koncepcje konfliktów zbrojnych*, "Studia nad Autorytaryzmem i Totalitaryzmem" 2019, vol. 41(4), pp. 7–20.

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just wars was discussed. This is how the origins of regulations of contemporary international law were described.

In contrast to the idea of just wars (and holy wars as well), the idea of peace has received little attention from social scientists. This situation applies both to medieval thought in general and to the key idea in the doctrine of Marsilius of Padua. Researchers of the legacy of Marsilius of Padua focus their studies on the relationship between the state and the Church, the concepts of the state and authority. The issue of peace is not analyzed as a whole, but marginally and in the context of research into the state and law or sociological issues (the question of the mechanisms governing social life). The literature on the thought of Marsilius of Padua is not numerous. In Germany and the United States of America, the Marsilius' contribution to the development of Christian thought has been emphasized.[4] A. Gewirth, in his comprehensive monograph on *Defensor pacis*, referred to Marsilius as the forefather of the doctrines of republicanism, absolutism, liberalism, and totalitarianism as well.[5]

The Polish-language literature on the thought of Marsilius of Padua is very scarce. Apart from a monograph by A. Wójtowicz on the doctrine of this thinker,[6] a few articles of a contributory nature and references in studies on medieval thought have been published.[7] Perhaps this was due to the lack of a translation of *Defensor pacis* into Polish. The first printed edition of Marsilius' work took place in 1522, and translations from Latin into national languages were not made until the 20th century: into English in 1956, into German in 1958, into Italian in 1960 and 1966, and into French in 1968. Earlier, certain partial translations had been published, e.g. by Marshall in 1535 (approx. 20% of the original text) for the political needs of King Henry VIII, and a decade later a translation into German of parts of Books I and II of *Defensor pacis*.[8]

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[4] S.F. Torraco, *Piests as Physicians of Souls in Marsilius of Padua's "Defensor pacis"*, San Francisco 1991; H. Segall, *Der „Defensor Pacis" des Marsilius von Padua: Grundfragen der Interpretation*, Wiesbaden 1959; M. Löffelberger, *Marsilius von Padua: Das Verhältnis zwischen Kirche und Staat im „Defensor Pacis"*, "Schriften zur Rechtsgeschichte" 1992, vol. 57.

[5] A. Gewirth, *Marsilius of Padua: The Defender of Peace*, vol. 1: *Marsylius of Padua and Medieval Political Philosophy*, New York 1951. Cf. *The World of Marsilius of Padua*, eds. G. Moreno-Riaño, C.J. Nederman, Turnhout 2006.

[6] A. Wójtowicz, *Model władzy państwowej Marsyliusza z Padwy*, Katowice 1977.

[7] For example, see M. Pawlak, *Teoria prawa Marsyliusza z Padwy*, "Politeja" 2015, vol. 12(9), pp. 5–22; J. Kucharczyk, *Koncepcje władzy w myśli chrześcijańskiej jako modele przywództwa w Kościele*, "Theologica Wratislaviensia" 2014, vol. 9, pp. 39–52. The Marsilius' doctrine is mentioned primarily in E. Gilson, *Historia filozofii chrześcijańskiej w wiekach średnich*, Warszawa 1966; R. Heinzmann, *Filozofia średniowiecza*, Kęty 1999; Z. Kuksewicz, *Zarys filozofii średniowiecznej Europy Zachodniej*, Warszawa 1986.

[8] As presented by L. Krusiński, *Marsyliusza z Padwy „Defensor pacis" w świetle dawnych i współczesnych opinii*, "Przegląd Filozoficzny – Nowa Seria" 2006, no. 2, p. 25.

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The treatise was translated into Polish by W. Sieńko and the Polish translation was published as *Obrońca pokoju* by Antique Publishing House (Polish: Wydawnictwo Antyk) in 2006. This article uses this edition of the treatise by Marsilius of Padua. The text of the article is based primarily on an analysis of the source material. Quotations are therefore taken from the 2001 edition of Marsilius of Padua *Defensor pacis* and are indicated by specifying the number of the book, chapter, and paragraph.[9] The same has been applied to the works of Aristotle, Thomas Aquinas, or John of Salisbury. Thus, the reader can follow the author's reasoning and assess the correctness of the formulation of judgments and the aptness of the arguments presented, regardless of the specific edition of the treatise used.

THE MEDIEVALIST APPROACH TO THE IDEA OF PEACE AS A BACKDROP FOR THE DOCTRINE OF MARSILIUS OF PADUA

The idea of peace as the ultimate goal of warfare was not quite popular in medieval thought and generally had a theological character. Peace was of a mystical nature. It was perceived as a "state of harmony" in the human soul and in human relations, i.e. harmony determined by the relationship of man to the Creator.

The dialectical concepts of war and peace outlined in antiquity were in the Middle Ages closely correlated with man as a member of a political community formed in accordance with the cultural models of the era.[10] The idea of old-Christian pacifism gave birth to the concept of *pax christiana*, on the basis of which the ideas of just war and holy war emerged.[11]

Plato's objective idealism and the political situation of the Roman Empire, ravaged by the invasions of the barbarians, resulted in the thesis of peace as a gift from God. This concept was adopted by St. Augustine of Hippo, who distinguished a perfect peace and a peace that is achievable in practice.[12] Universal peace – *pax omnium rerum* – was to be based on order and harmony, especially between nations that should not compete one with another, but cooperate providing mutual support and assistance. It is therefore an almost perfect peace, formed based on the idea of peace implemented within the framework of the *Civitas Dei*. A believer should strive to achieve this state, struggling with temptations and personal ambitions.

[9] Marsilius of Padua, *Defensor pacis*, New York 2001, hereinafter: DP.

[10] "(…) the legislator should direct all his military and other measures to the provision of leisure and the establishment of peace (…)" (Aristotle, *Politics*, 1334a, hereinafter: Pol.; English version: idem, *Politics*, Kitchener 1999, p. 174).

[11] Despite minor differences in the approach to just war within the framework of the so-called scholastic doctrine, it can be generally said that it was a uniform thought. It served to formulate, in the subsequent century, the classical criteria of just war: *persona*, *res*, *causa*, *animus*, and *auctoritas*.

[12] Idea peace according to St. Augustine could only be achieved in the Kingdom of Heaven.

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Pax civitatis, peace within the state, was to rely on the harmonious coexistence of members of the state community. This kind of peace could only be achieved along with the fulfillment of the idea of the common good.

The concept of *bonum commune* is also a leitmotif in the doctrine of Thomas Aquinas. Saint Thomas perceives common good in a teleological context and closely links it to the idea of peace.[13] He understood *pax* as peace in the sense of obedience to the orders of the sovereign (internal peace) and as peaceful coexistence between states (external peace).[14]

For Aquinas, *pax* is a "social order based on justice".[15] It leads directly to preserving *ordo*. The unity of the state community is therefore not a unity *per se*, but *secundum quid*, i.e. in some respects. *Unitas ordinis* is the unity of order, and *unitas compositionis* participates through *pax* in the *bonum commune*.

> If appetite terminates in good and peace and the beautiful, this does not mean that it terminates in different goals. By the very fact of tending to good a thing at the same time tends to the beautiful and to peace. (…) Peace, moreover, implies the removal of disturbances or obstacles to the obtaining of good. By the very fact that something is desired, the removal of obstacles to it is also desired. Consequently, at the same time and by the same appetitive tendency good, the beautiful, and peace are sought.[16]

The medieval concept of peace therefore encompasses three planes: anthropological, axiological, and pragmatic.[17]

The concept of human person developed in the Middle Ages is characterized by a social nature that conditions peaceful coexistence. The development of the individual in the moral sphere is made possible by natural laws. Realization by man of the correlation between the individual good and the good of the community is a *conditio sine qua non* for the harmonious functioning of the community and is indispensable for the preservation of peace, harmony, and order in social life. The interdependence of the individual good and the common good imposes the need for cooperation and becomes a guarantee of social order. It constitutes the founda-

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[13] As regards the use of physical force, the Thomas Aquinas' doctrine was strongly influenced by the St. Augustine's thought. He started the era of sacralisation of wars. See J. Borgosz, *Drogi i bezdroża filozofii pokoju*, Warszawa 1989, p. 57.

[14] T. Szczech, *Państwo i prawo w doktrynie św. Augustyna, Marcina Lutra i Jana Kalwina*, Łódź 2006, pp. 111–112.

[15] M. Sadowski, *Godność człowieka i dobro wspólne w papieskim nauczaniu społecznym*, Wrocław 2010, p. 89.

[16] Sancti Thomae de Aquino, *Quaestiones disputatae de veritate*, https://isidore.co/aquinas/QDdeVer.htm (access: 1.10.2022), q. 22, q. 1, ad. 12.

[17] S. Kowalczyk, *Filozofia pokoju św. Tomasza z Akwinu*, "Roczniki Nauk Społecznych" 1988–1989, vol. 16–17, p. 69.

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tion of *ordo*.[18] The medieval order is rooted in hierarchy, founded on the ordering of individual entities in a sequence determined by the steps (*gradus*) of the social ladder. The concept of peace is therefore closely correlated with and conditioned by the problem of order (*ordo*).

The concept of peace, which is part of the canon of medieval thought, refers primarily to social order, i.e. domestic peace. It is linked to the concept of supreme authority acting for the common good on the basis of the letter of the law. Such government is regarded as just and therefore right and desirable. The opposite of this type of government is tyranny. By violating natural rights, the tyrant violates the internal order and leads to a disruption of the moral order. The legal doctrine of the Middle Ages is therefore based on *pax civilis*. Keeping it guarantees social welfare, the development of the state, and the fulfillment of the fundamental goals and objectives of the political community.[19]

PEACE AS THE FOUNDATION OF THE INSTITUTIONS OF STATE AND LAW

The implementation of the concept of *pax civilis* in social life is most fully outlined by Marsilius of Padua. The guarantor of order and domestic peace in his doctrine is the State functioning as a political organism within a *civitas vel regnum*. The title of Marsilius' main treatise *Defensor pacis* emphasizes the most important function of the State.[20]

Every State should desire tranquillity, which allows development of nations and gives prosperity to people, as it is the venerable mother of good arts and multiplies the race of mortal men in a never-ending succession, makes it more capable and refines its manners. And if one does not look for such tranquillity, he should be considered unaware of such great ends.[21]

Domestic peace is therefore based on the *bona disposicio civitatis aut regni*, that is on the proper functioning of the state apparatus in order to bring the good for the entire political community. The correctness of functioning is based on the rationalism and altruism of the ruling entities and individuals. Order means a man-

[18] The problem of *ordo* was taken by Thomas Aquinas from St. Augustine as a term, the designatum of which may be referred to as a "well-ordered concord". Cf. Saint Augustine, *The City of God*, https://files.romanroadsstatic.com/materials/romans/nicene-christianity/City%20of%20God.pdf (access: 1.10.2022), pp. 635–641.

[19] DP I.1.1, 4, I.2.3, 1.2, I.19.1, III.3. Cf. A. Wójtowicz, *op. cit.*, p. 35.

[20] This original treatise was influenced by the dispute between Pope John XXII and Louis the Bavarian and philosophical currents prevailing in Western Europe in the 13th and early 14th centuries. See A. Wójtowicz, *op. cit.*, pp. 32, 35, 37.

[21] DP I.1.1.

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ner of organization within the framework of the state organism in which each of its constituent parts would be able to perform its proper functions in accordance with reason and the intended purpose of that part.[22]

Peace is, therefore, a *conditio sine qua non* for the proper functioning of the State and, consequently, of society. Marsilius of Padua justifies this argument by invoking the authority of Cassiodor and Sallustius, the Old Testament (Job 22:21) and the New Testament (Matthew 10:12; John 14:27 and 20.19; Luke 2:14; Mark 9:49), and by providing examples of those Italian countries which were most successful only during the period of peace.[23] Given the multi-faceted benefits of peace, it should be the goal of the whole political community, namely both the ruling elite and the governed. Thus, *iustitia* becomes the basis for *pax*. The breach of legal norms leads to the destabilization of order and the legal system, which leads to the disruption of domestic peace, that is to say, disturbing the peace of citizens within the State and preventing them from living a full life.[24]

Pax civilis underlies the stability of the state and law and thus makes it possible to achieve the full happiness by individual members of the political community, in other words *bene vivere, vita sufficiens*. The fullness of life, or *bene vivere*, encompasses the entire social activity of individuals functioning within the state organism. It, therefore, addresses both temporal and eternal issues. Hence the need to diversify the political community into social groups which carry out various tasks of the state organism. Marsilius of Padua, whose doctrine is characterized by a secular nature of deliberations, sees the need to distinguish the estate of clergy.[25] The State gives the clergy the task of strengthening morality, promoting ethical principles, which contributes to the stabilization of social life, and thus leads to the strengthening of peaceful coexistence of individuals and social groups. All actions of members of a given political population are aimed at the common good resulting in achieving the fullness of life or *bene vivere, vita sufficiens*. This is, therefore, the ultimate goal of the State, as indicated by the origin of this institution. People, striving to satisfy all their general needs and thus achieve complete self-sufficiency, collaborate one with another. The division of labor, responsibilities, and tasks leads to a good life. The State becomes the guarantor of prosperity and thus the guardian of order and harmony.

Due to its organizational structure, the State has instruments to enforce the rule of law. It is also the responsibility of the State to manage the political community so as to provide it with the resources necessary to meet basic needs. The aim of

[22] DP I.19.2.
[23] DP I.1–3.
[24] DP II.26.13. Cf. DP I.17.1.
[25] DP I.5.10–11. See DP I.6.7–8 and I.5.14.

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the State is to enable life and living a good life.[26] This "good life" can take place only in peaceful conditions, not disturbed by wars and hostilities. It is, therefore, up to the supreme power to uphold justice, to be a guardian or enforcer of justice.[27] The vastness of tasks and functions within the competence of the State required their division and assignment to particular social groups in order to avoid disputes, quarrels, and civil wars.

> Since this guardian should punish those who breach these rules and those who wreak havoc or attempt to endanger the community both internally and externally, the State had to have adequate means to defend itself. And finally, since the community needs certain common goods to be provided, replenished, and secured, one in time of peace and another in time of war, it was necessary to appoint administrators who could, in case of need, provide what is necessary for the whole community.[28]

Thus, following Aristotle, Marsilius formulates the idea of self-sufficiency of the State.[29] He borrows from Aristotle the origin of the state and the thesis of the necessity of functioning within a state organism.[30] As pointed out by A. Wójtowicz, the emergence of political power marks the point of the "transition from a pre-state to a state organization", the latter being described by Marsilius in *Defensor pacis* as a *communitas perfecta*.[31]

According to Marsilius, the supreme power should be entrusted to one or more persons by way of election.[32] In this way, the supreme power wins authority among the subjects. "It is by this authority, and not by knowledge, prudence, and moral courage, that the ruler truly becomes the sovereign, although the qualities mentioned are characteristic of the perfect ruler".[33]

Thus it is the will of the people which decides, not the qualities of the ruler (*non per legum scienciam, prudenciam aut moralem virtutem*). The entity establishing the authorities can not only appoint them, but also control and even dismiss them. It is thus decided by the "general public or its majority" on the rules analogous to the legislative process.[34] Both the law and the supreme power in the state, which upholds the law, have one fundamental purpose: to maintain order and social peace, i.e. domestic peace. The rule of law based on the idea of the common good is the foundation of justice and the guarantor of stability in the social life in a broader

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[26] DP I.4.2. Cf. DP I.4.1.

[27] DP I.4.4.

[28] *Ibidem*. Cf. DP 1.5.5; F. Maiolo, *Medieval Sovereignty: Marsilius of Padua and Bartolus of Saxoferrato*, Delft 2007.

[29] Cf. DP. 1.4.5.

[30] DP I.3 and I.4. Cf. Pol. 1252b, 1253a.

[31] A. Wójtowicz, *op. cit.*, p. 63.

[32] DP I.15.1.

[33] *Ibidem*.

[34] DP I.15.2.

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sense (political, economic, cultural, etc.). The common good requires that the governing entity and the judiciary have specific boundaries of action defined. Entities with any authority over the individual must perform their tasks on the basis of the law and within its limits. Only then can we speak of just and equitable government.

The original concept of sovereignty of the people is implemented through the enactment of the law and the formation of the government.[35] It is an extremely innovative idea in view of the reality of the era in which it was formulated. This shows that the doctrine of Marsilius of Padua was several centuries ahead of its time. It also points to the great civil courage of the author of *Defensor pacis* and the bold formulation of theses that differ significantly from the spirit of medieval thought. Participation in law-making and supervision over compliance with it leads to preventing one of the social groups take power in the state, and thus the threat of tyranny is eliminated. The general public is interested in participating in the legislature. Everyone who takes part in the lawmaking process is aware that he himself is also subject to the legal acts he enacts. It is a kind of intellectual loan from Aristotle, who wrote in the *Politics*:

> Again, the many are more incorruptible than the few; they are like the greater quantity of water which is less easily corrupted than a little. The individual is liable to be overcome by anger or by some other passion, and then his judgment is necessarily perverted; but it is hardly to be supposed that a great number of persons would all get into a passion and go wrong at the same moment.[36]

Such a law will be devoid of "human passion".[37] The appropriately promulgated legislation generally applicable to all citizens must not improve the situation of one of the social groups at the expense of the others or aggravate the political/economic situation of another group or individual. Marsilius of Padua clearly points out that laws are to be the same for all members of the political community, because they are not established for friends or enemies. Thus, legal acts are not to "do wrong to one people and do good for others".[38] All the citizens make the law they are subject to. Moreover, "the people make the law and form the government, whereas the law is the principal directive according to which the government acts under the control of the people".[39]

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[35] Marsilius referred to "people" using alternatively the following terms: *populus*, *universitas civitem*, *universa multitudo*. The concept of "people" is opposite to individuals and minorities. See DP I.XII.3–8 and I.XIII.4–8. A. Wójtowicz (*op. cit.*, p. 58) argues that Marsilius failed to precisely define the term "people". He notes that the precision of the terminology used in *Defensor pacis* needs to be improved.

[36] Pol. 1286a.

[37] A. Wójtowicz, *op. cit.*, p. 55.

[38] DP I.11.1.

[39] A. Wójtowicz, *op. cit.*, p. 54.

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Marsilius of Padua can be well described as the "father" of legal positivism. A law enacted in a certain way by an authorized body becomes effective regardless of moral judgment. Therefore, we do not look at a legal act through the prism of natural and divine legal norms. It is "an emanation of the will of the legislature and sanctioned by coercion" and is valid regardless of whether it is considered good, equitable, just or not.[40] Since the legal system results from the activity of the people-lawmakers and is binding on everyone to an equal extent, tyrannical tendencies and selfish attitudes are excluded. Consequently, social life reaches the ideal to which the ancient people aspired: stability.

Peace, and thus social order is founded on the rule of law. Court judgments and administrative decisions are issued on the basis of legal norms. This is the way in which order and peace reign in the state, with no controversies and conflicts.

> Judgment can be distorted because of the judge's ignorance, even if his sentiments and intentions are good. The law removes this error or deficit and remedies it. For the law defines in an almost perfect way what is just and what is unjust, what is beneficial and what is harmful in every social activity of man. Such a work cannot be done satisfactorily by one man, even the most brilliant one, because neither a particular man, nor all people living in one era would probably be able to discover and collect all the cases related to human social activity, which are defined in the law.[41]

Political leaders are also required to act in line with the letter of the law. Rulers are to "rule according to the law, and not irrespective of it, so that their rule would be safer and last longer".[42] The absence of legal rules leads to chaos, as does the existence of rules that are not complied with. Legal rules are to eliminate favoritism and nepotism, their purpose is also to eliminate bribery and corruption. Compliance with legal norms brings tangible benefits to the rulers and the ruled.[43] This is the way, in which the State fulfills its original and basic goal: the exercise of the function of *defensor pacis*. The goal is achieved thanks to the creation of a coherent, consistent, and logically arranged legal system.[44] The actions of citizens and political authorities within the limits of the law and in accordance with the law bring order to interpersonal relations on both political and economic levels. A legal culture is created based on respect for the statutory law.[45]

Against this background, there is another problem closely linked to the idea of peace, namely the issue of the violation of the letter of the law by the ruling entity.

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[40] *Ibidem*, p. 53. Cf. DP I.12.2.

[41] DP I.XI.3.

[42] DP I.XI.5.

[43] Discretionary decisions are only justified for legal loopholes. See DP I.14.5 and I.14.3.

[44] A. Wójtowicz (*op. cit.*, p. 56) notes that "the idea of law devoid of the pressure of human passion did not enjoy much popularity among medieval scholars". The best examples are the doctrine of Lucas de Penna (1320–1390) or the Averroism-inspired concept proposed by Siger of Brabant.

[45] DP I.11.5, I.14.4, and I.18.4.

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A tyrant destroys social order and introduces the rule of force and lawlessness. As a result, he violates social peace. He antagonizes particular social groups, which leads to social tensions, "conflicts and acts of injustice between people", hostilities, and even civil war.[46]

Marsilius notes that executive power in a State is indispensable.[47] Due to its imperfections and weaknesses, human nature must be subject to the control of the legislature.[48] This is a sort of consequence of the organic theory of the State. The legislative power, like the heart in the body, determines the rhythm of work and action of other organs, stimulating them to act correctly.

> This part of the body formed first [heart] is nobler and is supreme in quality and its advantages over the rest of the body. The nature that created it gave it power and tools to shape the rest of the organism of appropriate matter, to separate, distinguish and arrange them, to preserve and protect them against destruction insofar as nature permits, and to ensure their survival. And when they are unable to perform because of sickness or other weakness, it restores their health by its power.[49]

The government, therefore, controls society while being subordinate to the legislature.[50] A properly functioning government takes care of order and harmony within the State, resolves disputes, mitigates conflicts, prevents controversies and disagreements within the political community. Hence so high demands on moral and intellectual qualifications faced by holders of political power.[51] The verification of personality traits and education would be ensured by election.[52]

Pax is also safeguarded by the principle of unity of state power. Marsilius of Padua makes it clear that "the power, i.e. the supreme power, must perforce be one".[53] And he continues: "The same applies to the exercise of power – it should be exercised uniformly, not in the sense that is to be exercised by one person, but that the position itself must be one".[54] Such power leads to the stabilization of political life, its transparency, and responsibility for decisions made.[55] The unity of the decision-making centre ensures the harmony of social life, eliminates any

[46] DP I.15.6.

[47] DP I.15.6, I.8.1, and I.15.14. It is a concept derived from Aristotle's thought. See Pol. 1328b.

[48] DP I.XVIII.3.

[49] DP I.XV.5.

[50] A. Wójtowicz (*op. cit.*, pp. 57–58) points to the fact that Marsilius did not specify precisely the issue of control and limits of ruler's responsibility.

[51] DP I.VII.1, II.XXIX.6, and I.XV.2.

[52] DP I.16.18 and DP I.16.20. Cf. A. Wójtowicz, *op. cit*., pp. 65–66.

[53] DP I.XVII.2.

[54] *Ibidem*.

[55] The issue of punishing rulers for illegal actions and actions leading to despotism exceeds the scope of this publication. It should only be noted that punishing those who exercise power leads to discrediting them in the eyes of the subjects. As a consequence, it may cause social unrest that disrupts intra-state peace. Marsilius postulates the introduction of the principle of calculating the

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possible tensions, disputes, decision-making crises or the problem of responsibility for the consequences of decisions. The concept of unity of power is an original and innovative element of the thought of Marsilius of Padua.

CONCLUSIONS

The idea of peace in medieval thought, particularly in the doctrine of Marsilius of Padua, is a subject that has not yet been thoroughly studied. It represents a complex issue that is the foundation of social medievalist thought. The issue of peace, as if through a lens, brings together the most important concepts of life in a political community. It is therefore more than a concept opposite to war.

As a rule, the social doctrine of the Middle Ages considers war as a criminal and deplorable phenomenon. However, it also sees the multifaceted nature of armed action, including its positive qualities. Marsilius of Padua points to depopulation as a positive manifestation of warfare that makes it possible to eliminate the problem of feeding a population constantly growing during peacetime. He therefore approves the *sui generis necessitas bellorum*. Furthermore, he points out that a similar impact on collective life is brought by epidemics. "Nature seems to regulate the reproduction of men and other animals through wars and epidemics to keep sufficient land for their subsistence".[56]

The Marsilius of Padua's concept of peace concerns the internal stability of the state organism. The author of *Defensor pacis* does not discuss the question of universal peace, quite popular in the 14th century. *Pax civilis* is not an original concept of Marsilius, as A. Wójtowicz rightly puts it.[57] In the Middle Ages, domestic order and peace were part of monarchical duties. However, in the Marsilius' doctrine, *pax civilis* has a special dimension: it becomes a guarantor of security and stability in community life in order to make real "the humanist vision of human happiness".[58] In this respect, the thought of Marsilius of Padua is characterized by originality and innovation. The author of *Defensor pacis* showed independent thinking and civil courage. In an era when natural law was universally dominant as the "rule and measure" for the statutory law, Marsilius can be called the forefather of the idea of legal positivism. In turn, the justification of the above thesis leads to the recognition of Marsilius as the proponent of legal realism. The idea of *pax* is thus the founda-

effects and reasonable punishment of the ruler. This shows Marsilius' sense of political realism. See DP I.XVIII.5.

[56] DP I.XVII.10. See DP I.IV.4.

[57] A. Wójtowicz, *op. cit.*, p. 38.

[58] *Ibidem*. "(…) the state (*civitas*) is a community (*communitas*) established to provide people with decent life" (DP I.V.2).

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tion on which the innovative doctrine of state and law has been laid. Although the thought of Marsilius of Padua has met with ambivalent reception (ranging from admiration to criticism) over the centuries, it is undoubtedly an original and innovative thought. A thought that became the foundation for the ideas of separation of powers, political realism, legal positivism or the concept of the sovereignty of the people. It was also a novelty in the politics of religion.

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ABSTRAKT

Celem artykułu jest wskazanie na złożoność idei pokoju, która – ukształtowana w epoce średniowiecza – jest fundamentem wielu współczesnych instytucji z zakresu szeroko rozumianego życia społecznego. Idea pokoju stanowi główny nurt rozważań, składający się z szeregu zagadnień. Pełne przedstawienie idei *pax* wymaga odniesienia do społecznej natury człowieka oraz do relacji jednostki z grupą społeczną, w ramach której owa jednostka egzystuje. Problematyka pokoju jest również zespolona z ideą dobra wspólnego. Charakterystyka idei *bonum commune* nie jest możliwa bez odniesienia do kwestii *ordo* i do istoty sprawiedliwości. Autorka stawia tezę, że mediewistyczna koncepcja *pax* łączy w sobie refleksję polityczną, prawną i moralną. Rozwija się niezależnie od teorii wojen. Na szczególną uwagę zasługuje idea pokoju w myśli Marsyliusza z Padwy, który korzystając z dorobku Arystotelesa oraz bazując na ideach wypracowanych w średniowieczu, stworzył oryginalną koncepcję pokoju.

Słowa kluczowe: idea pokoju; idea dobra wspólnego; życie społeczne; średniowiecze; Marsyliusz z Padwy