

The *Potestas* of Practice

Abstract. Can the existence of a social practice justify practical authority? A medieval debate between hierocrats and caesaropapists may help to illuminate this question. Focusing mainly on Marsilius of Padua, with reference to John of Paris, this article suggests that caesaropapists can be read as developing a ‘practice conception’ of the structure and scope of ecclesiastical authority. Because it brings the conflict over authority to a new battleground, the practice conception supplies caesaropapists with a source of dialectical leverage over hierocratic doctrine. The paper explores the strengths and limitations of this methodological approach and links it to debates in contemporary political thought.

I. Introduction

A simmering contest over church and state relations reached a boiling point in 1303 when the French monarchy announced its intention to put the pope on trial for heresy. Particular points of contention involved the structure and scope of ecclesiastical power, and scholastics divided roughly into two competing sympathies. Hierocrats, such as Giles of Rome (1302), vested the papacy with *plenitudo potestatis*, and they held that the authority of the Church extended over a range of temporal affairs. Caesaropapists,¹ supported

¹ Whereas this label applies well to Marsilius, who not only advocated a radical restructuring and diminution of ecclesiastical power but also closely allied with Ludwig of Bavaria, ‘caesaropapist’ fits John imperfectly. Typically regarded as offering a *via*

by John of Paris (1302) and Marsilius of Padua (1324), placed temporal authorities on par with, or above, spiritual authorities, and they advocated checks on the pope's power within the structure of the Church.

Examination of these authors' tracts reveals the two camps diverging along three main lines. Theological positions differ on what fidelity to God requires. Invocations of Scripture rely on conflicting texts or conflicting interpretations of the same texts. Although John and Marsilius draw extensively on Aristotelian notions of natural reason in making the case for separate roles of church and state, hierocrats such as Giles also claim Aristotelian argumentation for themselves. The complexity and strength of the respective argument varies, but in these three areas the competing positions match each other roughly point by point. Nevertheless, I observe the caesaropapists marshalling an additional line of argument that provides an extra source of reasons in support of their position.

Focusing mainly on Marsilius, with reference to John, this paper suggests that caesaropapists can be read as developing a 'practice conception' of the structure and scope of ecclesiastical authority. Their analysis of the history of ecclesiastical practices and the social function of the priesthood yields constructive interpretations of the status of the Church vis-à-vis the state. This approach shares some commonalities with interpretive methods of justification in contemporary political thought. Because it brings the conflict over authority to a new battleground, the practice conception also supplies

media between hierocrats and royalists, John conceded much of the hierocratic doctrine and clearly had no intention of subsuming the papacy under a secular emperor. I use this term for both thinkers as a convenient way to distinguish between orthodox hierocrats and their more secular-minded critics.

caesaropapists with a temporary source of dialectical leverage over hierocratic doctrine. I suspect, furthermore, that conditions on this new front intrinsically favour more humanist positions. Were hierocrats to take up the challenge to interpret the practice of ecclesiastical power in their own terms, they might find themselves at some disadvantage.

A preview of what's to come. Section II frames a debate between John and Giles and demonstrates how John's appeal to natural reason struggles to break the stalemate between their positions. Section III observes a trend in contemporary normative theory that takes existing social practices seriously. I indicate how a method of constructive interpretation of social practices serves as a guideline for practical reasoning in certain domains. Section IV argues that this method also provides a lens through which to understand certain historical arguments. Namely, a particular innovation of John and Marsilius lies in their conceptualization of religion as a social practice, bound together not only by its texts, doctrinal tenets, and leadership, but also by its history, institutions, and situation within a complex temporal universe. In reading them this way, I take them to be arguing that the best interpretation of the practice of Christianity, the interpretation that most coherently integrates these features, supports the caesaropapist position on several fronts. Section V concludes with an assessment of the plausibility and significance of these claims.

II. A Stylized Stalemate

The conflict over church and state relations played out in two separate but related dimensions. One issue concerned the *scope* of ecclesiastical

authority: the extent to which temporal affairs such as property law and secular administration could be mediated by spiritual authorities. Another issue concerned the *structure* of ecclesiastical authority: the supremacy of the papacy to regional churches, the succession of the papacy, and the accountability of the pope to the Christian faithful. These dimensions often intersected. For instance, in the controversy over ecclesiastical poverty, the mendicant orders, while rejecting *dominium* over property, appealed to the power of the pope to release them from the control of local church authorities.²

Giles of Rome articulates archetypical hierocratic positions in both dimensions.³ Giles recalls that when Jesus entrusted the Church to Peter prior to his death, he effectively made Peter the first pope.⁴ Peter naturally assumed the authority to appoint a successor, and each subsequent pope derives his power through a chain connection that leads back up to God. Such is the lineage of the pope's authority. The pope stands as God's earthly representative, judging all, and can only be judged by God himself.⁵ Thus the pope is not accountable to any other, temporal or spiritual, and the regional clergy operates under the command and discretion of the Roman Pontiff. Regarding the scope of the Church's authority, Giles interprets the 'Two Swords' doctrine to mean that the Church, under the authority of the Supreme Pontiff, also has the authority to command, although not to use, the material

² A. Brett, 'Introduction', in Marsilius of Padua, *Defender of the Peace*, trans. A. Brett (Cambridge: Cambridge University Press, 2005), p. xvi.

³ Giles of Rome, *On Ecclesiastical Power*, trans. R.W. Dyson (New York: Columbia University Press, 2004).

⁴ *Ibid.*, bk. II, chap. IV, pp. 93-5.

⁵ *Ibid.*, I.V, p. 27.

sword.⁶ This enables the papacy to monitor and intervene in the conduct of temporal politics as it sees fit. Giles adds that all power is mediated by the supremacy of the Church. Since God is master of possessions, lordships, and powers, and the Church is his earthly institution, all temporal *dominium* is a tributary of the Church.⁷ Of course, temporal authorities and ‘carnally begotten’ men can attempt to exercise *dominium* over such powers, but in this they deny Christ and forfeit any claim to acting justly.⁸

John of Paris does not deny the rightful descent of the pope from Peter, and he accepts the importance of hierarchy within the clergy for maintaining unity of belief throughout the Christian community.⁹ He disputes, however, that the temporal realm is under the authority of the pope, and he contrasts certain ambiguities in the hierocratic interpretation of divine law with a constructive account of natural reason. One thought is that if divine law had required the unity of the spiritual and the temporal, God would not have supplied human beings with the instincts to form temporal political communities.¹⁰ Another thought is that God, via nature, has placed men in diverse climates and diverse bodies; physical and geographic diversity requires localized rule in order for men to live, and to live well.¹¹ ‘We may conclude therefore,’ John asserts, ‘that the temporal rulership of the world does not demand the rule of a single man as does spiritual rulership, nor can such be deduced from either natural or divine law.’¹²

⁶ *Ibid.*, I.VIII, p. 53.

⁷ *Ibid.*, II.XI, p. 185.

⁸ *Ibid.*, II.VII, pp. 131ff.

⁹ John of Paris, *On Royal and Papal Power*, trans. J.A. Watt (Toronto: University of Toronto Press, 1971), chap. III, pp. 84-5.

¹⁰ *Ibid.*, p. 85.

¹¹ *Ibid.*, pp. 85-6.

¹² *Ibid.*, p. 87.

Giles can be read as disputing John's conclusion about divine law in his claim that even if temporal bodies can in fact act otherwise, this is consistent with them acting without right. Giles also has an apt reply to John's Aristotelian arguments from natural reason. Human life, and to live well, may provide the end of all corporeal things, but even Aristotle acknowledges that corporeal ends in turn must be ordered to serve the soul.¹³ And just as the soul rules over the body, so the priestly power rules over souls. Thus, all temporal things must be ordered to serve spiritual ends, and they are under the lordship of the pope. While administration of temporal affairs may require local variation, ultimate authority and the capacity to intervene in local government when necessary lie with the priesthood.

If critics of papal authority are to succeed, they will need either to contend with these objections or change course.

III. Conceptions of Practice in Contemporary Political Theory

An idea that takes cues from Wittgenstein holds that human action and the norms that regulate it are embedded in complex social practices. Normative theorists who follow this line of thought take existing practices seriously in advancing normative claims. Just what the term 'practice' signifies is a matter of dispute, but for the theorists I have in mind it includes at least certain rule-governed formal and informal institutions. Trivial but illustrative examples include various games like baseball or chess. More complex cases might include the units of economic and political organization, such as the firm or the state. Still more complex cases of practices might

¹³ Giles of Rome, *On Ecclesiastical Power*, II.IV, p. 93.

include jurisprudence, international trade, or human rights. In taking existing practices as starting points, this general approach departs from more foundationalist or utopian thinking that proposes to construct institutions anew by ‘taking men as they are and laws as they might be.’¹⁴ By contrast, we might say that a practice conception takes people as they are and laws as they might be, *given what the laws already are*.¹⁵

A guiding principle of this school of thought holds that the justification of a practice and the justification of individual action within a practice may come apart.¹⁶ It won’t do to evaluate an act without appreciating the extent to which that act conforms with some existing norm; likewise, it won’t do to evaluate a norm without understanding the role that norm plays within some larger practice. The purpose of a firm may be to maximize profits for its shareholders, but this certainly doesn’t mean that in every action the employee is at liberty to seek this goal directly, ignoring the constraints of company policy and the functions of her specific role. We can, of course, consider how the rules internal to a practice align with the purposes of the practice. Moreover, we can debate whether or not existing practices are worth having at all, or whether they ought to take on different shapes or different aims. But these topics of debate represent very different enterprises, and the flexibility an agent has to criticize or reinterpret appropriate courses of action may

¹⁴ The guiding principle of Rousseau’s *Du Contrat Social* and a Rawlsian mantra.

¹⁵ Of course, an approach that takes the constraints of existing practices seriously need not be progressive in this way. A conservative, communitarian, or conventional approach might thus observe the slogan as ‘taking people as they are...and laws as they are’, or perhaps ‘taking laws as they are, and people as they might be’. I am not directly concerned with these versions of practice conceptions here, although in Section V below I consider potential conservative responses to the constructive interpretations I attribute to John and Marsilius.

¹⁶ This distinction is central to J. Rawls, ‘Two Concepts of Rules’, *Philosophical Review* 64, no. 1 (1955): 3-32.

depend upon her role within the system and the constraints it imposes. That is, the employee may certainly dispute whether her specific role best contributes to the firm's goals, whether company policies are optimally aligned with those goals and the relevant external constraints, and whether the firm's very purposes are justified or justifiable. Practice theorists argue that in ignoring the differences between different levels of normativity, however, we miss critically important distinctions in the social world.

Approaches to practical reasoning that discriminate between levels of justification in this way are particularly prevalent in jurisprudence, where the law is thought to constitute a particular rule-governed social practice. The early Rawls, for instance, applies the distinction between the justification of an institution and the justification of individual action within an institution to the circumstances of judges within a criminal justice system.¹⁷ Hart develops a practice conception of rules as the basis for his conception of law as the union between primary and secondary rules.¹⁸ Whereas Hart intends this analysis as descriptive sociology, Dworkin extends the notion of social practice to produce a normative theory of judicial interpretation.¹⁹ Recent work has carried this particular approach of constructive interpretation of social practice beyond law. Beitz's theory of international human rights begins with a conception of human rights as rooted in an international social practice.²⁰

¹⁷ *Ibid.* This application has been influential both in the theory of punishment and in the development of rule-consequentialism.

¹⁸ H.L.A. Hart, *The Concept of Law*, 2nd ed. (Oxford: Oxford University Press, 1994). The contrast between habits and social rules on pp. 55-8 is particularly relevant, as is Hart's defense of his analytic approach in the Postscript to the second edition, pp. 254-9.

¹⁹ R. Dworkin, *Law's Empire* (Cambridge, Mass.: Harvard University Press, 1986), chap. 6.

²⁰ C.R. Beitz, *The Idea of Human Rights* (Oxford: Oxford University Press, 2009), chap. 5.

Similarly, James offers a theory of fairness in trade in light of the features of the practice of international economic exchange.²¹ An attractive feature of this turn to practice in normative thought concerns its principled pragmatism. This type of pragmatism offers a middle way between idealism and radicalism on the one hand and quietism and cynicism on the other.

Dworkin offers a general procedure for justification in the context of existing social practices.²² It involves stages of constructive interpretation through which a participant attempts to bring into equilibrium the constitutive features of a practice, the best interpretation of the practice's purposes, and the particular norms falling under the practice.²³ At a first 'preinterpretive' stage, the interpreter assesses how patterns of human behaviour amount to a recognizable practice among a particular group of participants. This involves gathering the rules, standards, and descriptions of activity to which participants commonly appeal, even if only implicitly. At a subsequent 'interpretative' stage, the interpreter attempts to tease out what general purposes, values, or interests the practice might be serving or intended to serve. A final 'reforming' stage involves an analysis of what the 'best' interpretation of the practice 'really' requires, given the interests it serves.

What counts as the best interpretation, and what it requires, may involve considerable disagreement among participants. Nevertheless, those who recommend this mode of normative analysis tend to hold that the best interpretation is the one that is most coherent, parsimonious, and consistent

²¹ A. James, *Fairness in Practice: A Social Contract for a Global Economy* (Oxford: Oxford University Press, 2012).

²² Dworkin, *Law's Empire*, chap. 2.

²³ *Ibid.*, pp. 65-6.

while at the same time accounting for as many as possible of the practice's key features.²⁴ Dworkin argues that the best interpretation of political and legal practices combines backward-looking and forward-looking elements into an integrated narrative.²⁵ Although Dworkin's specific interpretation of 'law as integrity' has its controversial elements, I regard a quest for principled consistency between past, present, and future as a distinctive mark of this general approach to justification.

In the next section I examine how caesaropapists in the controversy over spiritual and temporal power can be read as following the general method of constructive interpretation, and why this might be significant. As will become clearer in the concluding section, considerations about the ultimate efficacy of this method in medieval debates reflect more broadly on the virtues and potential limitations of practice conceptions in general.

IV. Appeals to Practice in Marsilius of Padua and John of Paris

In attempting to strip Pope Boniface VIII of his pontifical robes, partisans of French king Philip the Fair argued that the coronation oath obliges a Christian monarch to defend the Church when it faces danger.²⁶ The hierocratic doctrine that the pope's authority comes from God and can be questioned by none made this problematic. John circumvents this aspect of hierocratic logic by combining an assessment of the purposes of the papacy with analysis of existing practice and an account of historical and legal

²⁴ A. James, 'Constructing Justice for Existing Practice: Rawls and the Status Quo', *Philosophy & Public Affairs* 33, no. 3 (2005): 281-316, p. 303.

²⁵ Dworkin, *Law's Empire*, p. 225.

²⁶ J.A. Watt, 'Spiritual and Temporal Powers', in J.M. Burns (ed.), *The Cambridge History of Medieval Political Thought c.1350-c.1450* (Cambridge: Cambridge University Press, 1991): 367-423, p. 404.

precedent. We can chart the development of this inchoate practice conception according to Dworkin's three-stage sequence. At a preinterpretive stage, John observes a regularized set of actions within a religious community regarding the appointment of its spiritual leader—a discrete social practice with clear boundaries. He notes that this leader is typically selected by a deliberative body—the college of cardinals selects the pope.²⁷ At an interpretive stage, John considers the purposes that that leader might serve within his particular institutional setting. He argues that the purpose of the papacy is not to secure the interests of particular popes, but to promote 'the common good of the church and the Lord's flock.'²⁸ At the reforming stage, John applies his interpretation of the purpose of the papacy to a particular dispute regarding the rules governing the pope's accountability. He argues that the pope holding power without accountability is not constitutive of the practice of papacy. Rather, given the purpose of the papacy, a pope who can no longer fulfil this purpose can, and must, resign. Although John does not argue that royal authorities may depose the pope, he suggests that because the college of cardinals appoints the pope, it is entirely consistent that the same college, through a deliberate procedure, also have the power to depose him.²⁹ (In other words, the very existence of an appointing body demonstrates that the practice of papal authority involves election and accountability: if individual popes descended directly from God, it would not be necessary to appoint them.) John supports this interpretation of the legitimacy of papal abdication by demonstrating its fidelity to a history of papal abdication and clauses in canon

²⁷ John of Paris, *On Royal and Papal Power*, chap. XXIV, p. 243.

²⁸ *Ibid.*, pp. 241-2.

²⁹ *Ibid.*, p. 243.

law that license it. Thus, in making his case, John draws from multiple sources that bear on the development of what he judges to be the best interpretation of the practice and its attendant requirements.

Marsilius's appeal to practice departs from John's in two distinct but related ways. First, whereas John draws on practice to justify an understanding of papal accountability within the Church, I read much of *Defensor Pacis* as developing a fundamental conception of the practice of ministry in order to weigh in on numerous issues regarding the structure and scope of ecclesiastical power. Second, whereas John draws on recent examples and canon law in developing his interpretation of a particular element within a larger practice, in constructing a foundational interpretation of the essence of priesthood Marsilius leans more heavily on revelation, Scripture, and the activity of the early Church.

The preinterpretive and interpretive stages in Marsilius's work are closely intertwined, for he typically exposes features and ends of the customs he wishes to analyse in close proximity. Still, we can see Marsilius engaging in these preliminaries in the anthropological analysis at the beginning of the first discourse, where he both describes the features of religious practice and characterizes their purposes in general terms.³⁰ He notes the exercise of religion in pre-Christian civilization, and that whatever its relationship to divine truth, one function of religious practice has always been to promote virtue in communal living (I.5.11). Likewise, he notes the common human observance of appointing holy men to supervise religious rituals and suggests

³⁰ Marsilius of Padua, *Defender of the Peace*, trans. A. Brett (Cambridge: Cambridge University Press, 2005). Parenthetical references refer to this text.

that pre-Christians had typically appointed as priests certain virtuous and aged citizens who renounced temporal commitments (I.5.13). He explains how Christians depart from pagans in their basic theological premises and rituals by summarizing the doctrine of Original Sin and the role of the sacraments in redemption (I.6.1-4). In the Judeo-Christian tradition priests have served as teachers of divine law (I.6.7), educating men about what they must do to secure God's grace (I.6.8), and fostering disciplines that temper human behaviour and dispose them toward salvation (I.6.9). Marsilius is also engaging in the interpretive stage by observing the operations and functions of temporal political institutions (I.4-5, I.7-8). Like John he follows Aristotle in judging nature to have provided temporal beings with the activity of living and the purpose of living well (I.4.3). Living well occurs in the context of a well-ordered and multifaceted temporal city (I.19.2). Marsilius advances beyond John in his lengthy analysis of political institutions. He concludes that the purpose of a prince—with 'prince' construed broadly—is to preserve tranquillity through legislation and enforcement of law (I.19.3). Although several of these passages contain subtle jabs at papalists and suggest a humanist bent, I believe they establish more or less acceptable background conditions of agreement about what religious practice entails, what political practice entails, and what demarcates Christians as participants in a particular enterprise.

The second discourse serves as Marsilius's postinterpretive or reforming stage. Here Marsilius argues that the priesthood has almost no temporal power at all, for its purposes lie precisely in educating the faithful toward salvation in a future world, nothing more, and nothing less. Marsilius's

reinterpretation of the practice of priesthood has four planks. On the first plank sits Marsilius's appropriation of Aristotle, arguing that a well-ordered polity is indispensable for life in the temporal world, and in such a well-ordered polity each element must play its proper part. As I suggested in Section II, however, the appeal to natural reason may be necessary but insufficient to block the hierocratic logic favouring a more dominant role for the priesthood. Thus, the second plank of Marsilius's interpretation draws on the words and deeds of Christ contained in Scriptural and patristic sources (II.4). Marsilius argues that Christ intended, declared, and acted such that priests be subject to temporal jurisdiction in goods and in person, retaining no coercive power for themselves. The third plank depends on a metaphysical distinction between 'immanent' (cognitive) and 'transitive' (external) acts (II.8.3). Through this distinction Marsilius argues that external acts are under the jurisdiction of human laws, and the clergy are subject to this jurisdiction in their temporal conduct (II.8.7). But only external acts can be coerced—attempting to coerce individuals to conform to divine law is both counterproductive and out of step with Christ's words and deeds (II.9.2). Divine law does indeed have coercive force, but only in the future world (II.9.7). 'In accordance, therefore, with the truth and the overt intention of the Apostle and of the saints who were the particular doctors of the church or faith,' Marsilius reasons, 'no one—no faithful Christian, and in fact no infidel either—is commanded to be coerced in this world, by penalty or punishment, to observe the precepts of the evangelical law, especially not by a priest' (*Ibid.*). Because divine law has no coercive force in the temporal world, we ought to call it teaching rather than law (II.9.3), and priests are not so much legislators or judges as doctors and

teachers (II.9.2). The fourth plank of Marsilius's postinterpretive stage involves a series of counterfactuals, designed to show that, being divine or divinely inspired, Christ and his apostles could have established political institutions and coercive temporal authority but deliberately did not (II.11).

The remainder of the second discourse amounts to further development and application of the reforming stage, determining what the best interpretation of the practice of priesthood demands for certain norms supporting the structure and scope of ecclesiastical power. For instance, Marsilius applies this interpretation to the priesthood's *dominium* over property (II.12-13), concluding that such *dominium* is neither relevant for the educative role of ministry nor supported by a thorough reading of the New Testament. He likewise applies this interpretation to the process of selecting church authorities (II.17), the role of deliberative councils in the administration of the Church (II.21), and the role of the pope—namely as a convener, chairman, and spokesman for such councils (II.22.6). With each issue Marsilius appeals back to his interpretation of ministry as teaching without coercion, supplementing this understanding of the purpose and mechanism of priesthood with support from Scripture, Church fathers, and the customs of the early Church.

'From this it also plainly follows, of necessity, that it is an insane heresy for someone to assert that a thing or its use cannot be had apart from the said dominion' (II.13.6). This accusation of 'insane heresy,' here regarding papalists' property claims, echoes throughout the discourse. For Marsilius has shown that a comprehensive interpretation of Church practices unmask hierocratic claims as seriously decontextualized, and by consequence, rather

ridiculous. At points he recounts nearly word for word arguments that appear in Giles (II.2.6, II.3.10), and indicates that he finds these arguments sophistic, appealing as they do to isolated aphorisms and events without a thoroughgoing understanding of how revelation, Scripture, and deeds might fit together into a coherent and plausible whole. Indeed, if we attempt to construct an interpretation of what Giles might take the point of the priesthood to be, we see a radically different vision: priests as judges and soldiers in the service of a totalitarian papal dictatorship. This vision might have value, but it is difficult to reconcile with a critical mass of relevant sources: an holistic reading of the New Testament, commentaries of the Church fathers, the anthropological assessment of the role of religion, the functional necessities of political and economic life, and the trajectory of actual political developments in the early fourteenth century.³¹ Although Marsilius's account fails to take account of canon law among the sources of interpretation and produces plenty of radical implications of its own, Giles's deracinated conclusions may imply an even more fundamental break with tradition.

V. Conclusion: The *Potestas* of Practice

³¹ With regard to this last component, Coleman argues that transformative developments in England and France in the thirteenth century included an expansion of royal justice throughout the countryside, the proliferation of common currency, and the emergence of individualized property rights. By the turn of the fourteenth century, tectonic shifts in political, legal, and economic relationships had transformed feudal traditions into a nascent capitalism under the auspices of national secular regimes. See J. Coleman, 'Medieval Discussions of Property: *Ratio* and *Dominium* According to John of Paris and Marsilius of Padua', *History of Political Thought* 4 (1983): 209-28, p. 224. I take this evidence to suggest that Giles's vision of the Church as mediating possession of power and property is not only hard to square with Christian origins—it is wildly at odds with the political landscape of Western Europe. Whereas Coleman treats John as more radical than Marsilius in his characterization of individual property rights, in articulating an interpretation of ecclesiastical power untethered to practical concerns Giles might be the most radical of the three.

By way of conclusion I would like to consider limitations to the approach I have ascribed to John and Marsilius as well as my reading of it. The general approach shows some clear liabilities, liabilities I believe that John and Marsilius may share with practice conceptions more broadly. First, since the approach lacks determinate and objective criteria for establishing what the point of a practice is or what the ‘best’ interpretation of it demands, a critic can puncture the author’s interpretation at any stage of its development. John’s characterization of the purpose of the papacy as for the common benefit of the Christian faithful may hardly satisfy his interlocutors. Whether any other characterization could prove uncontroversial enough to serve as a common premise is also uncertain, however. Yet, if and when the characterization of the point of a practice—or worse, the existence of a distinct practice—cannot attract consensus, it will be difficult for a practice conception to move forward. Assessing what constitutes a relevant consideration for interpreting the practice’s requirements exposes additional problems. For the method offers no independent guidelines for navigating through the history of, and perspectives on, the practice. How much weight should we allocate to recent developments versus founding acts and intentions? Does Marsilius overemphasize the early Church to the prejudice of the later Church, or does his exclusion of canon law from consideration strike the proper balance? It’s hard to say.

A more trenchant critique would insist that applying this type of analysis to religion is inappropriate in the first place. For this method not only casts the justification of practices in consequentialist terms, but also judges them instrumentally in light of controversial secular values. To raise the

question of what the purpose of the papacy is, or what the role of priesthood consists in, already commits the fallacy of attempting to rationalize the affairs of a sacred domain, a domain in which faith, not reason, prevails. For someone who firmly believes that the pope is God's intermediary, nothing else constitutes a relevant consideration in determining the balance between spiritual and temporal power and the structure of authority within the Church. For a committed hierocrat, the meaning of the texts, the history of the Church, and the functional interaction with secular offices ultimately have no bearing on the authority of the pope, and to ask what the 'practice' of ecclesiastical power amounts to entirely misses this crucial point. Caesaropapists could counter this contention by pointing to the venerable tradition within the Church of deliberating about what God requires and how best to communicate and satisfy His requirements. That Giles deigns to offer an interpretation of ecclesiastical power thus exposes him as a participant in and supporter of this discursive exercise of theology. While this observation moves toward charging hierocratic theologians with hypocrisy, it doesn't allay the general concern that certain practices might claim immunity from constructive interpretation.

Finally, one might contend that I exaggerate the extent to which John and Marsilius conform to the method of constructive interpretation. They offer limited evidence of a truly preinterpretive stage, their characterizations of the purposes of the practices in question are too polemical, and their reformist conclusions do not account for all of the sources relevant for optimal interpretation. Yet, whether or not these authors can be read as following a particular approach is less important than the distinctive features of their

arguments. To this end, I have attempted to show that John and Marsilius appeal to multiple sources of argumentation in countering the hierocratic position, and the way they integrate historical analysis of Church practices with teleological reasoning and—particularly with Marsilius—holistic readings of key texts is both different from and more convincing than the narrow logic of hierocracy.