

Contemporary Musings on a Medieval Controversy: William of Ockham on the Limits of Sovereignty and the Restraints

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William of Ockham has long been regarded as the most influential philosopher of the fourteenth century. He is in fact recognized also as one of the foremost figures in the entire history of medieval thought.¹ Like most medieval thinkers, however, he remains considerably unknown, an offshoot no doubt of the characteristic disinterest accorded to medieval philosophy in general.

This oversight has resulted in the lamentable unfamiliarity with some of the most distinctive and important contributions of the Medieval period to civilization, particularly that of continental Europe, which had exerted tremendous influence and continues to do so worldwide.

Joseph Canning cites political philosophy as one area where this inadvertence has been clearly pronounced. He shares this observation:

Although so much has been written by modern historians on aspects of medieval political ideas, and although the literature on the subject has been greatly increased in scope and sophistication in even the last decade, there is still a tendency,

¹ William J. Courtenay, "The Academic and Intellectual Worlds of Ockham," in *The Cambridge Companion to Ockham*, ed. Paul Vincent Spade (Cambridge: Cambridge University Press, 1999), 17.

when treating the history of European political ideas as a whole, to give relatively scant attention to the Middle Ages.²

This situation he frowns upon as anomalous because he believes that it is not possible to fully understand political ideas in later centuries without taking into account the seminal notions propounded in the Middle Ages.

It must be admitted of course that there are significant difficulties attendant to the recuperation of the political ideas of medieval thinkers. The particular example of Ockham is a case in point. He was originally a lecturer on philosophy and theology, an academic honed in the scholastic halls of Oxford. When later he began his series of writings on political matters it was not because he intended to contribute to the development of political philosophy; rather, he expounded his political ideas from the viewpoint of a theologian and culled his premises from traditional sources. His primary intention moreover was to wage a campaign to unseat the pope whom he accused of having committed heresy and thereby forfeited his authority to govern the church. As Arthur McGrade puts it: "Ockham became involved in politics as an opponent of the contemporary papacy, but although he eventually developed detailed ideas on both papal and secular governments, the initial basis for his opposition was religious, not political."³

This last point makes perfect sense because indeed no political thought germinates in a vacuum. Political thinking always and necessarily involves reflection on concrete political institutions and the actual circumstances of the time. The ecclesiastical context therefore within which Ockham elaborated his political ideas by no means diminishes their importance and much less negates their presence in his writings. And as McGrade explains further:

In the context of medieval political thought, any work centering around the papacy is necessarily political, for whatever

² Joseph Canning, *A History of Medieval Political Thought* (New York: Routledge, 1996), 187.

³ Arthur S. McGrade, "Rights, Natural Rights, and the Philosophy of Law," in *The Cambridge History of Later Medieval Philosophy*, eds. Norman Kretzmann and Anthony Pinborg (Cambridge: Cambridge University Press, 1984), 742.

other vital forces may have been present in medieval history, the development of a hierocratic ideology centered around the papal monarchy was a potent factor in Western politics, in practice, in the science of jurisprudence, in political theology and so on.⁴

This study seeks to reconstruct the political ideas of Ockham and employs them in a concluding reflection on some of the political issues that engaged our nation in recent history and caused a nasty rent among our people.

Historical Background

Nothing in the early writing of Ockham yields the faintest clue regarding his vigorous involvement in politics sometime later in his life. He started simply as a theologian and philosopher, a career path typical of the academics of that period. In all his known theological and philosophical works, almost all of which were completed in 1324, there is not a single political idea that stands worthy of note. It was only in 1328 that Ockham was drawn into a major dispute, which consequently embroiled him in the field of polemical discourse.

Not that Ockham was able to steer clear of all contentions until that time. The truth is that he was always a controversial figure. His philosophical teachings, although not exceedingly radical, nevertheless, spawned considerable opposition. He was also summoned to Avignon to answer charges of heresy brought against him before the papal court by John Lutterell, a former chancellor at Oxford where Ockham taught theology for a number of years. He was subsequently excommunicated, albeit not primarily for heresy but for insubordination because he left Avignon without permission, while his doctrines were still being examined, and refused to obey orders for him to return to the papal tribunal.

John Kilcullen gives us a terse but accurate account of the reason for his flight from Avignon and the eventual shift in his writing to purely political issues:

⁴ Arthur S McGrade, *The Political Thought of William of Ockham: Personal and Institutional Principles* (Cambridge: Cambridge University Press, 1974), 18.

In the year 1328 Ockham and certain leading members of the Franciscan order became convinced that the pope of the day, Pope John XXII, was a heretic and therefore no pope. From then on until his death in 1347 Ockham... produced a large body of books and pamphlets... political writings advocating the deposition of John XXII and his successors Benedict XII and Clement VI. The quarrel with these popes began when John XXII issued several documents attacking doctrines and practices of the Franciscan order on the subject of poverty, doctrines the Franciscans believed to be based on the Bible and the accepted teaching of the Church.⁵

It is said that his turnaround was so radical that Ockham abandoned his scholarly interest in philosophical and theological questions that he even failed to complete some of his pending works in these subjects.

The disagreement was originally between Pope John XXII and Michael de Cesena, the Franciscan minister general who bitterly contested the former's pronouncements on the question of evangelical poverty contained in three of his papal bulls. On account of his antagonism, Cesena was divested of his office and held under arrest at the papal court in Avignon where Ockham was also being held while awaiting trial concerning some of his theological views, which the Holy See deemed suspicious.

Cesena then enlisted the help of Ockham to study the problem seriously and the latter keenly obliged. After reviewing the pertinent papal documents Ockham concluded that indeed Cesena was right in his opposition and that the Pope was seriously wrong. In his *Epistola ad Fratres Minores*, Ockham expressed his utter disbelief that a person occupying such a lofty ecclesiastical position could be guilty of heresies. He wrote:

... At the command of a superior I read and diligently studied three of his heretical constitutions – or rather, heretical destitutions ...In these I found a great many things that were heretical, erroneous, silly, ridiculous, fantastic, insane, and defamatory, contrary and likewise plainly adverse to orthodox

⁵ John Kilcullen, "The Political Writings," in *The Cambridge Companion to Ockham*, ed. Paul Vincent Spade (Cambridge: Cambridge University Press, 1999), 302.

faith, good morals, natural reason, certain experience, and fraternal charity.⁶

After their escape from Avignon, Ockham and the minister general went to Italy and from there proceeded to Munich where they spent the rest of their life under the protection of the Roman Emperor, Louis of Bavaria. The emperor had his own squabble with Pope John XXII. This began in 1323 when the latter sought to intervene in the imperial election. Louis of Bavaria was elected by the majority of the German princes while a minority challenged the election. John XXII sought to settle the conflict and asserted his right to decide who was the lawful Roman emperor, claiming that papal confirmation was required for legitimacy. Louis resisted and branded the action of the Pope as unwarranted interference in secular affairs. The pope in turn denounced the election. In retaliation the emperor formed an alliance directed against the papacy, in particular against John XXII.

Ockham naturally allied himself with his patron, Louis of Bavaria, and defended the emperor against what he perceived was the abusive intrusion of the Pope outside his jurisdiction and competence. It was not simply out of gratitude towards the emperor that Ockham sided with him; indeed, there was a far deeper reason and it was his realization that what the emperor and the Franciscan order were fighting against was actually one and the same, namely, the unjust encroachment of the supreme ecclesiastical power upon lawful rights. On one hand, Louis of Bavaria was insisting on the independence of secular power, specifically the Roman Empire, a right guaranteed by divine and natural law; on the other, the Franciscans were resisting the new decretals of John XXII, on the basis of Sacred Scriptures and the declarations of his illustrious predecessors.

Ockham and the Papacy

Although the confrontation with the Pope initially compelled Ockham to deal with the issue of evangelical poverty, he was forced

⁶ William of Ockham, *A Letter to the Friars Minor and Other Writings*, trans. John Kilcullen, ed. Arthur McGrade (Cambridge: Cambridge University Press, 1995), 3-4.

however to consider eventually the problem of private ownership and then ultimately the question of political domination. He published his reflections on these various themes in several treatises⁷ and in all of them he also addressed what he reckoned the principal issue, namely, the nature and extent of papal authority.

Ockham was not bent on undermining the papacy completely. He approached the question of papal power with extreme caution, even inquiring at the outset whether such an examination was 'permissible and without danger of just accusation.' He did not hesitate one bit however to confront the issue; on the contrary, he forcefully argued that the truth can be better arrived at through 'questioning, opposing, disputing, and resolving' the points of the issue at hand. He then laid down the acceptable parameters of his inquiry thus:

To dispute and inquire, publicly or in private, with the intention of taking away or reducing papal power or mentally calling into doubt things that should be believed (not only implicitly) about papal power must be regarded as impermissible; but to dispute about the pope's power for exercising and teaching, to refute those who are mistaken about it (who take it away, or reduce it, or enlarge it more than is right), and to bring unknown aspects of it to public notice, must be regarded as praiseworthy, provided it is done with pure intention and provided due circumstances are observed.⁸

It is clear then that the target of his condemnation was not the papacy as an institution but certain individuals elected to the office, whom he branded as pseudopopes, as well as a particular understanding of papal power he found dangerous because erroneous. Ockham was hounded by the historical fact that some popes usurped tyrannical power in the past. And he strongly suspected that the attempts of John XXII and his successors to subvert the

⁷ The major political writings of Ockham include the following: the *Opus nonaginta dierum*, *Dialogus*, *Octo quaestiones de potestate papae*, *Breviloquium*, and the *De imperatorum et pontificum potestate*.

⁸ William of Ockham, *A Short Discourse on Tyrannical Government*, trans. John Kilcullen, ed. Arthur McGrade (Cambridge: Cambridge University Press, 1992), 6. [Henceforth all references to this work will be abbreviated DTG and added at the end of the text.]

charism of poverty of the Franciscan order and to transgress the autonomy of the Roman empire was another exercise of said tyrannical power.

Ockham rejected the misconception which upholds the absolute and universal supremacy of the Pope over all things spiritual and temporal or over the Church and the State.⁹ He strongly maintained that the Pope did not enjoy such plenitude of power. Anticipating a counter argument appealing to historical tradition and practice, Ockham wryly commented that if divine providence "allowed some called Roman bishops impermissibly and presumptuously to extend to both divine and human matters a wrongly usurped power" it was only "so that this inexcusable wickedness should be revealed, and the skill of experts... should bring to light hidden truths useful for governing and ruling the whole human race, truths by which a curb might be placed upon the wickedness of those supreme pontiffs who have tried to rule like tyrants..." [DTG, 17]

The arrogation of plenitude of power upon the Pope was considered by Ockham 'dangerous to the whole community of the faithful.' For it signified that the powers of the Pope were beyond the reach of any human convention or positive laws. All human beings are perforce subjects of the Pope and he can thus rightfully command anyone to do anything he wills or merely whims. Not even the singular possible restriction, that is, that the Pope can force no one to act against divine or natural law, would be sufficient to prevent the arbitrary flaunting or the indiscriminate exercise by the Pope of his imagined powers. Ockham was well aware and wary of how power can be abused by a human being, even by someone raised to the dignity of the pope, if he is made to wield something beyond the boundaries of propriety and rightness. The tragic thing moreover is that such flagrant display of power can be paraded as

⁹ The basis for this opinion is an interpretation of Matthew 16:19 – "I will give you the keys of the kingdom of heaven, and whatever you bind on earth will be bound also in heaven, and whatever you loose on earth will be loosed also in heaven." Ockham cites Pope Innocent III as having taught that these words mean that "Christ excepted nothing from the power of Peter and his successors; therefore neither should we except anything, just as we should make no exception where the canon makes none." [DTG, 20]

rightful and legitimate. Ockham therefore warned of the dire consequences of this erroneous attribution of fullness of power to the Pope:

The pope could... by right deprive the king of France and every other king of his kingdom without fault or reason... This is absurd... If the pope had such fullness of power in temporal matters he could by right despoil all kings and rulers of their kingdoms and lordships and confer them on his relatives or any other low persons he pleased, or keep them for himself. [DTG, 23-24]

His larger objection to the idea of fullness of power is his finding that it is a direct contravention of the essential character of the gospel. Christ, according to Ockham, came precisely to establish a New Law of freedom to replace the Old Law of servitude. To uphold the idea of fullness of power is a blatant disregard for the evangelical prescription of freedom. It is to reduce all men as slaves or servants of the Pope and thus to revert to a horrible state of bondage for all the faithful. Ockham concluded then that this idea smacks of heresy:

... It is heretical because it plainly conflicts with divine Scripture. For compared with the law of Moses the gospel law involves, not more servitude, but less, and hence it is called by blessed James a law of perfect freedom. [DTG, 22]

Notwithstanding his vehement objections to the idea of fullness of power Ockham nonetheless acknowledged that the Pope possesses 'grand, singular, and very great powers.' Peter did not owe his supreme pontificate to the mandate conferred by an electorate; rather, it was Christ himself who constituted Peter as head, prince, and prelate of all the other apostles and thereby of all the faithful. And this same right and privilege, Ockham conceded, is handed down to all the successors of Peter down through the ages.

Ockham continued to maintain, however, that there is always a limitation to whatever power the pope enjoys. As such his discussion of papal power is always complemented by a delineation of its extent. While admitting for instance that the Pope has regular supreme power as regards faith, including morals and divine worship, as well as all those matters that pertain to governing the

Church, nevertheless, such power, Ockham insists, extends only to what is necessary for these purposes. He explained, "The pope therefore cannot regularly by way of precept impose on Christians anything supererogatory, nor make obligatory laws on such matters against his subjects' will." [DTG, 56] Even the coercive power of the Pope, by which he can enforce his order by punishment, is confined according to Ockham only to violations of ecclesiastical laws. The punishment moreover cannot be severe as to defeat the spirit of the gospel, which states that punishment is for the remission of sin as much as for the reformation of the sinner. If doubts should arise regarding the extent of papal power or uncertainties becloud the determination of its nature, Ockham adheres to Holy Scripture and right reason as the principal guides in finding the correct solution.

There is no question in his mind about the validity of the papal claim to power. There is a realm where papal power is duly constituted and therein it is a supreme and full power. What Ockham insisted on is that even within its own realm this power of the Pope is never absolute.

Secular Power

The delimitation of papal power having been clearly established, Ockham proceeded to develop the autonomy and legitimacy of secular power. This is the full implication of a limited conception of papal power for Ockham, that there are real and valid powers that do not emanate from the pope.¹⁰ In this other realm he was equally unequivocal in rejecting the concept of plenitude of power. His opposition to absolutism was total and extended to all earthly authority; Ockham consistently reproved any of its manifestation whether in the papacy or in the empire.

¹⁰ There were two prevailing conceptions of law and government in the Middle Ages, the ascending and the descending theories. For a fuller discussion of this theme, confer "Celestial Hierarchies Revisited: Ullman's Vision of Medieval Politics" in *Politics and Eternity: Studies in the History of Medieval and Early-Modern Political Thought* by Francis Oakley (Leiden: Brill, 1999): 25-72. Also confer *The Political Thought of William of Ockham: Personal and Institutional Principles* by Arthur S. McGrade, 85-109, for a further elaboration of Ockham's position on this question.

The main premise, on which Ockham anchored his entire argument, is that the law of God is a law of liberty. The only true law is that which leads to the freedom that God bestowed upon human beings. This law applies to all men, believers and unbelievers alike, although its nature and scope had been modified from what it was in the original state of man to what it is in the actual state of humanity.¹¹ The former refers to the pristine stage prior to original sin while the latter to the condition of man after the fall.

Ockham enumerated two fundamental rights granted to man by natural and divine law, namely, the right to acquire property and the right to appoint a ruler or found a government. These rights are prior to and independent of both papal and imperial jurisdiction and these two powers therefore cannot transgress these rights arbitrarily and without justifiable cause.

In relation to the right to acquire property, Ockham introduced this important distinction:

Of lordship over temporal things one is divine... and another is human; and that is twofold: common to the whole human race, and exclusive. Lordship common to the whole human race is that which God gave Adam and his wife for themselves and all their posterity, power to manage and use temporal things to their own advantage. That power would have existed in the state of innocence without power to appropriate any temporal thing to any one person or to any particular collectivity or to certain persons, but after the fall it exists together with such a power of appropriating temporal things. The other kind is exclusive lordship, called "ownership"... This lordship is a principal power of managing temporal things, appropriated to one person or to certain persons or to some particular collectivity. [DTG, 87-88]

The above passage indicates that the right of private ownership was not included in the natural right granted by God to man initially. The world and all its resources were intended by God

¹¹ A parallel distinction is found in the political thought of modern thinkers like Thomas Hobbes (1588-1675), John Locke (1632-1704), and Jean-Jacques Rousseau (1712-1778), all of whom divided the historical development of man between the state of nature and the state of civil society.

from the beginning for the benefit of all, as corollary to their right to life and the obligation to preserve and sustain it. Ockham maintained that the right of private ownership was added to the right of common property after original sin when men were overcome by cupidity, the intemperate consumption of material goods, and by their wanton disregard of material resources. So the right was granted to arrest greed and avarice and to insure that the resources of the earth are properly managed and better cared for. Ockham explains:

The first kind, namely, lordship common to the whole human race, existed in the state of innocence, and would have continued if man had not sinned, but without power to appropriate anything to anyone except by use, as has been said. For since there would have been among them no avarice or desire to possess or use any temporal thing against right reason, there would then have been no necessity or advantage in having ownership of any temporal thing. But after sin, because among men there grew up avarice and the desire to possess and use temporal things wrongly, it was useful and expedient that temporal things should be appropriated and not all be common, to restrain the immoderate appetite of the wicked for possessing temporal things and to drive out neglect of the proper management and administration of temporal things, since common affairs are commonly neglected by bad men. [DTG, 88-89]

The right of private property therefore is a restriction of the original right; as such, rather than embodying an entitlement it is actually an indication of inadequacy because it is the consequence of vice. Its continuing validity depends on how well the exercise of this right serves the goal of a good and decent life worthy of man not only as an individual but also as a citizen of society.

The same condition applies to the second fundamental right. Ockham asserted that as an adjustment to his actual state God allowed man the prerogative to elect rulers endowed with temporal powers. This arrangement was unnecessary in the original state of man but accordingly became imperative as a prerequisite to the attainment of a harmonious existence in society.

Ockham thus viewed the nature of secular government as purely instrumental and its purpose essentially negative. Arthur McGrade elaborates this important point:

The most expedient regime is that which best controls evil-doers and allows good men to live more quietly among them. All that is asked for the 'good' is that they be able to live among the 'bad' 'more quietly'. There is no thought of contributing to their good life in a positive fashion. The business of government is rather with the 'bad', which must be coerced.¹²

These two fundamental rights also contain a positive precept and they oblige everyone as a matter of natural and moral duty. Ockham added however that they bind only when the situation necessitates their exercise, *semper sed non pro semper*; that is to say, they do not bind at every instance but when they do it is always with the force of an obligation. There are exceptions then from the obligatory demand of these rights such as when members of religious order embrace the vows of poverty and obedience.

A critical point in Ockhamist political thought is his discussion of the source of secular power. This touches on the issue that engaged Louis of Bavaria and John XXII in a bitter conflict. The pope sustained the opinion that "the supreme lay power does not derive the power strictly proper to it immediately from God, because it derives it from God through the mediation of papal power."¹³ Ockham disagreed with the pope on this issue and he dismissed any doubt about the real origin of secular power when he wrote: "God gave, without human ministry or cooperation, power to establish rulers with temporal jurisdiction." He further explained that the reason for this is "because temporal jurisdiction is one of the things necessary and useful for living well and living politically: as Solomon attests, 'Where there is no ruler, the people will be ruined'" (Prov. 11:14). [DTG, 90]

So the power to establish rulers with jurisdiction is immediately given by God and not through human intermediary or with his cooperation. Ockham was unrelenting in his persistence on this point and he vigorously directed his tirade against those who

¹² McGrade, *The Political Thought of William of Ockham*, 113.

¹³ William of Ockham, *Eight Question on the Power of the Pope*, Q. II, C. 1, in *Readings in Medieval Philosophy*, ed. Andrew B. Schoedinger (New York: Oxford University Press, 1996), 416. [Henceforth all references to this work will be abbreviated EQP and added at the end of the text.]

adamantly derived the power proper to secular authorities from the pope. His argument against their stance is stated simply thus:

... The imperium does not come from the pope, since after Christ's advent the imperium was derived from the same person as before; but before Christ's advent the imperium was not derived from the pope..., and therefore it has never afterward come from the pope. [EQP, 417]

The same direct conferral by God applies, moreover, to the divine right of secular power so that "only God is superior to said power."¹⁴

It is different however when the actual appropriation of property as well as the actual establishment of the machinery of government is concerned. Ockham acknowledged that these are effected primarily through the acts of man and by virtue of human law. Following the divine mandate to organize society under the control of secular authority, the actual setting up of a lawful jurisdiction or of a ruler endowed with power is therefore partly ordained by man and positive law. It is therefore said to be instituted by God but mainly by acts of human persons. Ockham specified this matter as follows:

... That a jurisdiction is from God can be understood in three ways. [1] Some jurisdiction is from God alone without any human ordinance, choice, or agency, as Moses had jurisdiction from God alone... [2] In another way jurisdiction or power can be understood to be from God alone because it is conferred by God alone, but not without some agency of a man or creature... [3] *In a third way some jurisdiction or power can be understood to be from God alone, not when it is given or conferred, but after it has been given: that is, so that when it is given it is not from God alone in the first or second way, but is truly given or conferred also by someone else other than God: yet after it has been conferred it depends on God alone, so that the person exercising it does not regularly acknowledge it as being from (as from a superior) anyone but God.* [DTG, 113-114]

It is obviously according to the third signification that Ockham classified the origination of secular power. The action of the populace in

¹⁴ McGrade, *The Political Thought of William of Ockham*, 39.

electing or installing the secular ruler does not negate or even diminish his dependence on God as the ultimate source of power. This is because the whole dynamics of society and the accompanying jurisdiction and governance, that both sustain and direct it to its end, is rooted in the sociality of man, which proceeds from the natural law that pertains to men as rational beings.

The emanation of secular power from a twofold source, both divine and human, is loaded with serious consequences for Ockham. These are amplified by Philotheus Boehner as follows:

... That a secular power has the supreme power by divine right, yet is instituted by the people... means... first, that a supreme secular and sovereign power has its power by the ordination of the people, so that the people at the beginning have transferred or given the supreme power to the ruler... secondly, that the people did not transfer this power to a private person and for the personal benefit of an individual, but to a person or persons for the common benefit... thirdly, that a ruler to whom the people transferred the supreme power possesses this power not as the people's power but as a divine power, or not by the right of the people but by divine right...¹⁵

There cannot be a more thorough rejection of the descending theme as a general explanation of political authority than the one espoused by Ockham.¹⁶ For him the actual institution of secular authority constitutes more than just a ceremonial transfer of power. It is also not just a confirmation of the existence of said power. Ockham fully supported the view that sovereignty is inherent in the people and that the authority of governments derives from them. It is truly the people who confer upon the ruler his power; through the election process they really transfer power from themselves to the chosen ruler.

This conferment of power is, furthermore, 'not on a person' as much as 'on a dignity.' Secular power serves a public purpose; it exists to attain the common good. This is the meaning of the public trust that defines the public office. Ockham disapproved the employ-

¹⁵ Philotheus Boehner, "Ockham's Political Ideas," in *Collected Articles on Ockham*, ed. Eligius M. Buytaert (New York: The Franciscan Institute, 1958), 460.

¹⁶ McGrade, *The Political Thought of William of Ockham*, 104.

ment of the wherewithal of power for personal benefit or aggrandizement; he therefore demanded that restitution be made when power is abused for private ends.

The importance that Ockham attaches to the consent by the people for the actual establishment of secular government and the election of persons invested with the responsibilities of governance cannot be gainsaid. Nevertheless it must be emphasized that such consent is never the 'sole principle of political legitimacy.' The transfer of power from the people does not supersede the fact that after this transfer "the ruler has no other superior but God and is regularly dependent on no one but God."¹⁷ This clarification was advanced by Ockham to refute the misinterpretation which asserted that "since the will of the governed has constituted the government, so the will of the governed can lawfully, without any just cause (*sola voluntate et dissensu*), dissolve the government."¹⁸ Ockham found this conclusion unwarranted. As he declared: "After people have willingly subjected themselves to someone's lordship they cannot withdraw from it against his will, because a lord should not be deprived of his right without some fault on his part." [DTG, 128]

Church and State

In his discussion of the limits of papal authority as well as his definition of the origin and legitimacy of secular power, Ockham left no doubt with regard to his conviction that alongside papal power and jurisdiction exist secular power and jurisdiction. He posited moreover that a positive relationship must exist between the highest embodiments of these two powers, namely, the Church and the State, respectively. Said position, while maintaining the clear distinction between them, rejects simultaneously the complete separation of these two powers.

Ockham derived this necessary positive relationship from the fact that these two powers have a common provenance. They both originate 'immediately from God.' And although the sphere of their particular endeavor varies, nonetheless, they both pursue the common good: the Church that of the believers while the State of

¹⁷ Boehner, *ibid.*

¹⁸ *Ibid.*, 461.

the citizens. This convergence of ends Ockham accentuated in this passage:

For the apostolic or papal ruler has been set up for the common advantage of the faithful no less than tempered and just secular rule for the advantage of subjects... Besides, civil laws should not be made for any private profit, but for the common good; much more, therefore, has spiritual rule been set up for the common good, and not for the honor of any ruler. [DTG, 26]

From this unity between the Church and the State follows the imperative for them to assist each other in their respective pursuits.

One critical issue in this relationship is the question of the legitimate interference of one power in the distinctive affairs of the other. The context of this issue was very real and vital for Ockham as it concerned the acrimonious row between his patron, Louis of Bavaria, and the adversary of his order, Pope John XXII. In dealing with this question Ockham proceeded with extreme caution. He opined that while the Pope may not interfere in the temporal and political affairs of the State, as for example order the overthrow of the Emperor or the dissolution of the empire, nonetheless, he may well assist in the effort of the people, who were responsible for the election of the emperor, to depose their ruler should they find just cause for such radical action. In such instance, Ockham added further, the Pope acts not in his capacity as spiritual leader of the Church but by virtue of his status as citizen of the empire.

Ockham appended this qualification to uphold the supreme jurisdiction of the State in temporal and political affairs. This supremacy is encompassing so that it is incumbent upon the State to resist any encroachment upon its jurisdiction and to oppose measures, even of the Church, that will have prejudicial consequences to the common good of its citizens. This supremacy however is definitely restricted and by no means does it empower the State to interfere in spiritual matters which are the specific domain of the Church.

Analysis and Reflection

One of the most significant events in the history of our country during the last century is undoubtedly the peaceful people power

revolution of 1986 (Edsa 1) that toppled the dictatorial regime of Marcos. It was hailed as "the most civilized form of revolution" by peace and freedom loving people all over the world and became the inspiration for similar movements in many countries, "among them East Germany, other Eastern European countries, Pakistan and Burma."¹⁹ Many people in fact unhesitatingly believe it was also a miracle, and *Time* correspondent Roger Rosenblatt wrote in glowing terms about that marvel of a revolution:

Try not to forget what you saw last week. You say now that it would be impossible to forget: Filipinos armed to the teeth with rosaries and flowers, massing in front of tanks, and the tanks stopping, and some of the soldiers who were the enemy embracing the people and their flowers. Call that a revolution? Where were the heads stuck on pikes? Where were the torches for the estates of the rich? The rich were in the streets with the poor, a whole country up in flowers.²⁰

Our country reaped worldwide encomium for this revolution. It also earned for our country two special awards: the "Nobel Peace Prize," the first of its kind given to a nation by the Alfred Nobel Foundation and the "Global Nonviolence Award" from the Center for Global Nonviolence of which the Filipino people are the first recipient.²¹ These awards were conferred five days after the success of the equally peaceful people power revolution of 2001 (Edsa 2) that ushered the collapse of the corrupt Estrada dispensation. And they both highlighted the arguably unique and unprecedented elements of the Edsa revolution – its *nonviolent* conduct as well as its *popular* origin and character.

The second award however is of particular interest because of its *joint* recognition of Edsa 1 and Edsa 2. In her remarks during the awarding ceremony, the vice president of the Center, Lou Ann Guanson, underlined this point when she took cognizance of "the nonviolent struggle of the Filipino people as exemplified in Edsa People Power *which was done twice* in this country."²² There could

¹⁹ "Editorial," *Manila Bulletin* (25 February 1994), 10.

²⁰ Roger Rosenblatt, "People Power," *Time* (10 March 1986).

²¹ *The Philippine Star* (26 February 2001), 2.

²² *Ibid.*

not have been a more categorical acknowledgment that Edsa 2 was just as legitimate a people power revolution as Edsa 1.

The significance of her statement can be better appreciated by considering the misgivings of some quarters over what they claimed was the trivialization in Edsa 2 of the real essence of people power. Amando Doronila noted that Edsa 2 was received "with ambivalence by the liberally oriented Western media" who, although they "generally welcomed the change in government," nonetheless, "expressed worries over People Power being institutionalized as a method of changing rulers."²³ This is what Philip Bowring of the *International Herald Tribune* wrote:

The ousting of Joseph Estrada has provided the Philippines with a more competent president in Gloria Macapagal Arroyo, but it has left the notion of constitutional democracy in tatters... Mr. Estrada has been ousted by a combination of forces but neither the proper constitutional process (judgment by the Senate) nor the ballot box has been among them.²⁴

Echoing his view were two other veteran observers of Philippine affairs: Anthony Spaeth – "More likely... People Power has become its own institution, and one that seems monopolized by a certain clique. I spent many days in crowds like the ones on Edsa last week. They were the nicest mobs I have ever been in – they gave mobs a good name. People Power has become an acceptable term for a troubling phenomenon: one that used to be known as mob rule;"²⁵ and, Sandra Burton – "...They had mechanisms to legally change their head of state. The option they chose, popular uprising, while rousing and probably justified, could portend a troubling future for democracy."²⁶

Local political commentators voiced parallel sentiments. Leandro Coronel warned about the dangers that could wreck the moorings of our democratic society:

²³ Amando Doronila, "Edsa II Worries Western Media," *Philippine Daily Inquirer* (29 January 2001), 15.

²⁴ Philip Bowring, "Filipino Democracy Needs Stronger Institutions, *International Herald Tribune* (22 January 2001).

²⁵ Anthony Spaeth, "Oops, We Did It Again," *Time* (29 January 2001), 22.

²⁶ Sandra Burton, "People Power Redux," *Time* (29 January 2001), 19.

On January 23, 2001, in the aftermath of Edsa 2... Macapagal suddenly was President. Edsa 2 was almost too easy to be true... If it's that easy to change presidents, then it can happen again... But the rights guaranteed by the democratic process must be exercised within the boundaries of a constitution, the Constitution. Edsa 2 was extra-constitutional, outside the Constitution. And being so, it continually poses a threat to the orderly, ordinary conduct of the republic's everyday affairs... a danger because it can happen again and again."²⁷

Of course the most virulent criticism came as expected from the supporters of the impeached president who unabashedly branded Edsa 2 as plain and simple mob rule and dismissed it as no more than the brazen seizure of the mandate of more than ten million people. As Cecilio Arillo grumbled:

Edsa People Power 2... irrevocably damaged the democratic institutions that the 1986 Edsa 1 tried to restore after 20 years of dictatorial rule... Think of the time in the future when presidents or other duly elected or constituted officials are removed by a noisy minority through rallies and street protests and the withdrawal of support of some generals, through the use of the resources of the rich and the dictatorial power of the church on its members, especially the Catholic Schools! ...Edsa 2 was a shocking historical event that saw the triumph of mob rule, hatched in the boardrooms and exclusive villages of Makati and Quezon City and backed by a text-messaging generation that included innocent grade-schoolers who were deceived by their teachers and the church into joining rallies... Their voice at Edsa was not the voice of the great majority of the Filipino nation. Neither was it the voice of the electorate that voted Estrada to the highest office of the land.²⁸

Not everyone advanced a negative assessment of the second people power revolution however. Political writers like Alice Villadolid dissented with the view that it was a mockery of democratic institutions. She wrote instead: "The successful rerun of People

²⁷ Leandro V. Coronel, "The Dangers of Edsa Democracy," *Philippine Daily Inquirer* (14 May 2001), A9.

²⁸ Cecilio T. Arillo, *Power Grab! The Story Behind the Edsa People Power 2 Conspiracy* (Las Piñas: CTA Research and Publishing, Inc., 2001), 47.

Power gave flesh to the democratic nature of the Philippine Constitution, the first principle of which is that 'Sovereignty resides in the people and all government authority emanates from them.'"²⁹ Another political analyst, Manuel Quezon III, sought to recuperate a positive rendition of Edsa 2 as he scoffed at those who belittled it as mob rule:

That Estrada did not resign; that he hoped his mobs would fight for him; that his mansion has not been attacked are all proof, to my mind, that there was no mob rule, but in effect, a determined effort to resist its exciting possibilities. Neither a risky line was crossed, as Jim Mann of *Time* put it, nor was it a case of Oops, we did it again, as Anthony Spaeth expressed it... Filipinos showed a devotion to the rule of law... in expressing their refusal to let a poisoned process continue... Filipinos knew they were fighting for a constitutional government, and not just against a corrupt leader but in defense of a hard-won democratic way of life.³⁰

The main argument of the Estrada camp was to uphold the rule of law. The meat of their contention centered on what constituted legitimacy. The point was well taken. Ockham himself insisted that the power of the ruler is *a solo Deo*. For this reason he was unwavering in his "repeated denial that a community may at its own discretion withdraw power from the government it has established."³¹ At the same time, however, Ockham recognized popular consent as 'the normal original basis for legitimate authority.' A middle ground must therefore be established so that the appeal to the rule of law does not degenerate into legalism and the assertion of sovereignty is not reduced to the rule of the mob. The invocation of the will of the electorate cannot be absolute just as there cannot be an absolute justification for holding on to power. Secular power, Ockham always reminded, is a divine right but conferred through the agency of the people. The bottom line is that there are inescapable safeguards and restrictions that border the exercise of power.

²⁹ Alice C. Villadolid, "Salus Populi in Philippine," *Philippine Graphics* (26 February 2001), 21.

³⁰ Manuel L. Quezon III, "What Makes for People Power," *Philippine Free Press* (9 March 2002), 6.

³¹ McGrade, *The Political Thought of William of Ockham*, 106.

The recourse to action, as radical as a revolution, is therefore justifiable; all the more so in the context of a democratic space. For democracy, as Coronel rightly describes it, is a process: "It's the free interplay of responsible citizens and a responsive government. It's the intercourse of ideas and actions in a free and tolerant environment. It's the assurance of the rights of all citizens."³² When this process is subverted by corrupt and craven politicians then democracy is seriously endangered. The emergence of people power has offered a viable option on how to arrest the total disintegration of society.

One of the framers of our present constitution, the eminent Jesuit legal expert, Joaquin Bernas, locates this option within the very substance of the constitution. He explains:

Popular sovereignty, of course, is the bedrock of our constitutional system... The orthodox view on the matter is that, although the people are sovereign, in the exercise of that very sovereignty they have decided to canalize their power through channels that they have laid out in the Constitution... But they have also reserved for themselves a limited number of instances when they themselves will directly exercise their sovereignty according to strictly prearranged rules... The one rare instance of a successful extraconstitutional action taken by the people was the Edsa event, which won worldwide recognition of "people power" ... a popular action whose legitimacy could not be confirmed through the counting of votes... The Edsa event and its exaltation of "people power" influenced the drafters of the new Constitution to call the Philippines not just a "republican state" but also a "democratic" state... to memorialize Edsa as an instance of popular direct action. By so doing, however, the Constitution highlighted an aspect of constitutionalism that hitherto had been merely implicit, namely that the people may take direct action extraconstitutionally.³³

There is no argument against the mandate of the people in the case of Estrada. He was literally swept to power via the overwhelming 40 percent of the vote in the previous election. This is

³² Coronel, *ibid.*

³³ Joaquin Bernas, S.J., "People Power': To What Extent?" *Today* (28 July 1996), 7.

what his supporters loudly proclaimed in the ensuing informal public debates after his overthrow. What they deliberately suppressed however was the truth that, as Doronila defines it, "electoral mandates are not static" and "they melt down under the heat of corruption, incompetence, and bad government."³⁴ Thus, political scientist Natalia Morales labels their reasoning "ersatz constitutionalism," saying that it hangs on the shaky premise that "since Estrada won by over 10 million votes in 1998... this gives him the right to finish his six-year term."³⁵

The key to dismantling their fallacy is to point out that, as Ockham stated, there are inevitable exceptions to the laws and therefore it is expedient to adapt social and political institutions to changing circumstances. Authority exists for the common good. Laws are necessary to codify the common good but, because no humanly envisioned and crafted laws can circumscribe the common good or guarantee its constant pursuit in all the multifarious instances that arise, it behooves individuals to be always ready when the occasion calls for it to act without the laws or even against them. This is what happened at Edsa 1 and Edsa 2, a glaring manifestation that a nation "knew and demanded, and would get, the government it deserved, that is, the removal of a government that did not deserve its respect, continued obedience, and any legitimacy whatsoever."³⁶

Ockham added another important qualification to human laws. He prescribed that they must be modeled after the "lex evangelica" which is a "lex libertatis." His emphasis on personal liberty, and the circumstantial nature alluded to above of particular regimes, were his precautions against all forms of tyranny. For he was persuaded that only "a community of free men under no ideological illusions about the eternal validity of their government"³⁷ can resist any attempt at subjugation in whatever form.

³⁴ Doronila, "Edsa II Worries Western Media," *Philippine Daily Inquirer* (31 January 2001), 9.

³⁵ Natalia M.L.M. Morales, "People Power: An Unwieldy Measure of Legitimacy?", *Philippine Daily Inquirer* (16 May 2001), A9.

³⁶ "A Victory Twice as Sweet," *Philippine Free Press* (27 January 2001).

³⁷ McGrade, *The Political Thought of William of Ockham*, 127.

Political legitimacy is never just a function of numbers. The assumption of power, even though effected by a landslide victory at the polls, is not a guarantee of legitimacy. Sadly for Estrada and his brood of conniving advisers, they disregarded this truth or worse it escaped their wits entirely. The collapse of his regime was largely his blunder. Numbers, as Morales stressed, must be grounded on "social approbation of moral values expected to underlie the national leadership."³⁸ In both his personal and official behavior, alas, Estrada was miserably wanting in measuring up to these standards.

The people power revolutions surfaced vital lessons in among others the correct understanding of power. In addition to what have already been mentioned in the foregoing, we may add these valuable insights of political observer Dean Jorge Bocobo on the implications that Edsa 2 in particular has on the meaning of electoral mandate:

Overall, the individual right of suffrage, as a tool for social salvation strikes me as overrated. At best, it is a sword that cuts both ways, as the lacerations of our recent history prove. At worst, suffrage has been taken advantage of by the masters of politics, as a means of securing not only the citizens' consent to be governed, but their acquiescence to be robbed and plundered. Suffrage has been distorted to mean our right to suffer.³⁹

The people power revolutions shattered this chicanery. As Bocobo continued: "It will be a long time before any politician can hide behind the ballot box, as Estrada did, whenever their corruption and wrongdoing become manifest to a critical mass of citizenry."⁴⁰ People no longer tolerate malfeasance in government. This should forewarn politicians that their conduct in office as well as in their persons would come under extreme scrutiny from now on. Being elected into office is not to be construed only as being invested with authority. There is another element just as essential in the equation. It is also to be placed in a position of responsibility where

³⁸ Morales, *ibid.*

³⁹ Dean Jorge Bocobo, "Suffrage Is Not the Right to Suffer," *Philippine Daily Inquirer* (14 May 2001), A9.

⁴⁰ *Ibid.*

the numbers that brought a person to office must be matched by his creditable performance and likewise by his commitment to the values and norms of the society.

There is then no basis to the hysterical conclusion that Edsa 2 had irretrievably damaged the stability of our democratic institutions, processes and structures. Ockham was precisely cautious about all human institutions as he was guarded in his expectations of political structures that are sustained by the exercise of power. These institutions, processes and structures should never be considered invincible and immutable fixtures of society. At times they become the stumbling blocks to the common good. What people power demonstrated is that individuals do have the capacity to act in concert and in accordance with their perception of what is just and right. This should be a cause for hope and revelry rather than fear and anxiety.

There cannot be a complete discussion of the people power revolutions, especially in the context of Ockhamist political thought, without a reckoning of the role that the Church played. Secular power and authority are not derivatives of their ecclesiastical counterparts. This is a matter that Ockham settled with finality. The political community is autonomous since it has its foundations in the human nature created by God. It possesses a moral justification of its own. Ockham therefore treads very carefully on the delicate question regarding the involvement of the Church in political activities.

It is however just as clearly beyond question for Ockham that the restriction on ecclesiastical involvement in this regard is not absolute. The watchword is once again the common good and the liberties of individuals. Where and when these are undermined and "when the lay authorities are negligent and those who should normally correct them are unwilling or unable to act,"⁴¹ Ockham concedes not just the right but in fact the obligation of the Church to take initiatives to avert the complete breakdown of the social order which can only be prejudicial to the common good and the liberties of individuals.

⁴¹ McGrade, *The Political Thought of William of Ockham*, 139-140.

In this light the conspicuous involvement of the Church in the people power revolutions can be more accurately evaluated. While the conditions of neglect and default or the lack of will did not obtain completely in our society during the time of the people power revolutions, nevertheless, there was express necessity for the moral support of the Church authorities in the face of the massive resources of government and its determined effort to counter the movements and demands for social change and political renewal. And it was no mere token support that the Church provided. This was particularly true in the case of Edsa 1. The influence of the Church as one of the most revered institutions in Philippine society inspired and emboldened a citizenry cowed by decades of violent and repressive dictatorship. Its ascendancy as the guardian of morals fueled further the resolve of the people to carry out the revolution to its successful conclusion, a revolution that was considerably a steadfast advocacy of moral ideals. With the exception of some church members, priests and nuns who joined the underground movement, the Catholic hierarchy must be credited for the appropriate manner⁴² in which it accomplished its involvement, which it perceived was also a call of duty.

Conclusion

In spite of the fact that it was originally conceived as a radical ploy against the perceived abuses of the Pope, the political thought of Ockham came out comparatively moderate. It operated within the larger view advanced by many Medieval thinkers, one that stipulated a normative context to define all power in its nature and exercise. This sober appraisal of power helped to elaborate the constitutionalist ideas and rights theories of succeeding philosophers.

There is one notable lacuna in his political philosophy however, and it is the glaring absence of a positive doctrine providing

⁴² The Catholic Bishops of the Philippines issued the "Joint Pastoral Exhortation on the Snap Election," aptly entitled 'We Must Obey God Rather than Men,' on 25 January 1986 and the "Post Election Statement" on 13 February 1986. Jaime Cardinal Sin also wrote two letters for the Archdiocese of Manila: the "Pastoral Letter on the February 7 Elections" on 28 December 1985 and the "Second Pastoral Letter on the February 7 Elections" on 19 January 1986.

for the broad participation of citizens in political affairs. His stance on the liberty of individuals thereby remains fully undeveloped. This is obviously attributable to the primarily negative function he assigned to the government. Nonetheless there is enough room for inferences consistent with his foundational principles, such as the one we attempted in the foregoing analysis and reflection on the people power revolution. The insights that Ockham provokes through his seminal political ideas serve very much to afford us a more enlightened view of contemporary political occurrences and questions. □