

SOME FORGOTTEN TRUTHS ABOUT THE PETRINE MINISTRY*

Those who have struggled to keep abreast of the ecumenical-theological literature emanating from the various bi- and multi-lateral conversations, as well as that produced by individual theologians, are aware of the extraordinary rapprochement that has been made at the theological level on such historically divisive themes as justification, Scripture and tradition, the Lord's Supper and the ministry. They are equally aware, however, that more and more attention is being given by dialogue groups and by individual theologians to what might be called *the* outstanding theological barrier to broader and fuller Christian communion—the papacy.

With the publication last year of *Peter in the New Testament* and with the recent release of the document, "Ministry and the Church Universal: Differing Attitudes Toward Papal Primacy," the officially sponsored United States Lutheran-Roman Catholic theological dialogue has advanced the ecumenical state of the question on the papacy to a dramatically new level, much as it did with its earlier work, "The Minister of the Eucharist."¹ The latter study and joint declaration on the ministry, which has set off a lively discussion in Europe, was a relatively complete piece of ecumenical theologizing. In the present document on papal primacy, Lutheran and Roman Catholic theologians have been able to say more together about the papacy than at any time since the Reformation. Nevertheless, the authors of the statement make no effort to conceal the preliminary character of their joint findings. They "can

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¹R. E. Brown, K. P. Donfried, J. Reumann, eds., *Peter in the New Testament: A Collaborative Assessment by Protestant and Roman Catholic Scholars, Sponsored by the U.S. Lutheran-Roman Catholic Dialogue as Background for Ecumenical Discussions of the Role of the Papacy in the Universal Church* (Minneapolis: Augsburg Publishing House; New York: Paulist Press, 1973); "Ministry and the Church Universal: Differing Attitudes Toward Papal Primacy," *Origins: NC Documentary Service* 3, No. 38 (March 14, 1974). Henceforth cited as L-C.

now begin to envision possibilities of concord, and to hope for solutions to problems that have previously seemed insoluble."² While concluding that it "cannot be ruled out on the basis of the biblical evidence . . . that a special responsibility for [seeking the unity of all Christians] may be entrusted to one minister, under the gospel,"³ the participants nevertheless acknowledge: "We have not adequately explored to what extent the existing forms of the papal office are open to change in the future, nor have we yet touched on the sensitive point of papal infallibility, taught by Vatican Councils I and II."⁴

In this paper I would like to contribute to the dialogue on the papacy that has begun so well by drawing attention to several historical-theological considerations relating both to papal primacy and infallibility which seem to me to have been either overlooked or insufficiently considered in many past discussions of the papacy. The first set of observations deals with papal primacy, the second, with the "infallible teaching ministry" of the pope.

I

1. This first point does not really recall anything that has been forgotten, but simply underscores the fact that, in contrast to the Reformation period, there is today a remarkably different exegetical state of the question as far as the so-called Petrine texts are concerned. The situation has shifted radically from the time when the Reformers quite generally⁵ refused to acknowledge that the New Testament attributes any singular commission to the Apostle Peter. The Reformers also called into doubt Peter's presence in Rome. Both of these contentions have been overthrown by the work of contemporary Protestant scholars, most notably that of Oscar Cullmann.⁶

Günther Bornkamm, for example, in his study of the meaning of "binding and loosing" in the contexts of Mt 16:17-19 and Mt 18:15-18, sees the accent in the former text being placed on Peter's

²L-C, Introduction.

³L-C, n. 29.

⁴L-C, n. 30.

⁵For notable exceptions see L-C, n. 38, note 15.

⁶*Petrus* (Zürich, 1952); 2nd rev. ed. (1960).

teaching authority "for the whole church on earth," while in Mt. 18 the phrase has more to do with the *disciplinary* authority of the local congregation.⁷

The recently concluded—or adjourned—Lutheran-Roman Catholic dialogue states that the development of the New Testament images concerning Peter "does not constitute papacy in its later technical sense, but one can see the possibility of an orientation in that direction, when shaped by favoring factors in the subsequent church."⁸ And the "Appended Note" to the declaration says: "The line of development of such images is obviously reconcilable with, and indeed favorable to, the claims of the Roman Catholic Church for the papacy."⁹ The scholars ask, however, "How do images not so favorable to papal claims, e.g., that of Peter as a weak and sinful man, affect the general picture?"¹⁰

2. The question just raised leads us to consider what might be regarded as *the* perennial problem for Roman Catholic, Anglo-Catholic and Orthodox Christians who believe that Peter's Lord did charge him with a singular ministry for the whole Church, and that his ministry has in fact been transmitted—albeit amidst profound historical development—to the Bishop of Rome. For these Christians the problem of the papacy has been not so much: Does the pope have this or that authority? but rather: How can his wide-ranging authority of binding and loosing "for the whole church on earth" be *limited*? More pointedly: How can the Church protect itself against the abuse of the Petrine ministry by the pope?

A. Most of the Reformers solved the problem of papal abuse very simply, by denying what most Protestant exegetes today affirm. They held that Peter was never really given much authority to begin with. The "rock" meant either Christ or Peter's faith or the ministry of preaching. The "keys" were not really given to Peter but to the Church. Though

⁷"The Authority to 'Bind' and 'Loose' in the Church in Matthew's Gospel," in *Jesus and Man's Hope. Pittsburgh Festival on the Gospels*, vol. 1 (Pittsburgh Theological Seminary, 1970), pp. 46-8. In L-C, n. 40 the Lutheran participants acknowledge that Peter "exercised in his time a function on behalf of the unity of the entire apostolic church."

⁸L-C, n. 13.

⁹L-C, "Appended Note."

¹⁰*Ibid.*

invoking Augustine, Cyprian and other Church Fathers and theologians for support, they drew conclusions that neither Augustine, Cyprian, nor Aquinas drew.¹¹ Following the lead not only of the more radical Spiritual Franciscans, Wyclif and Hus, but also of some quite orthodox figures,¹² Luther, Melancthon and Calvin declared the pope to be the Antichrist. I have elsewhere published an examination of this thesis in which I conclude that the denunciation of the pope as the Antichrist involved not an absolute, but a conditional rejection of the papacy. It was a rejection of the papacy *that the Reformers knew*, not a rejection of the Petrine ministry of the forty-six Roman bishops Luther knew had suffered martyrdom for the love of Christ.¹³ That Luther's rejection of the papacy was not absolute can be gathered from his words, written late in his career: "If the pope will grant us that God alone by his mere grace through Christ justifies sinners, we will not only carry him on our shoulders, but will also kiss his feet."¹⁴ (Roman Catholic theologians today would point out that this is what the pope does teach; or at least if he were to teach anything contrary to this he would be deemed heretical, if not the Antichrist.)¹⁵

¹¹Aquinas regarded Augustine's exegesis of the Petrine texts as plausible. Such a strong pope as Gregory I did not feel his authority was compromised because he interpreted "the rock" to mean Peter's confession. Cf. *Ep. ad Theodelina, Epist. Lib. IV, ep. 38*, Migne, PL 77, 712-3. Similarly, the medieval canonists accepted far-reaching claims for the papacy even though they did not identify Peter with "the rock." Cf. B. Tierney, *Foundations of the Conciliar Theory* (Cambridge, 1955), pp. 25-36.—At least one contemporary Protestant systematic theologian, Peter Brunner, has raised the question: Had Luther been able to see in passages such as Mt 16:17-19 and Jn 21:15ff. that which the more recent Protestant exegesis finds in them, would this not have had immediate dogmatic consequences for his doctrine of the Church? Cf. R. Bäumer, "Der junge Luther und der Papst," *Catholica* 21 (1969), 392.

¹²L-C, Chapter Two, notes 7 and 19.

¹³"Luther's Ecclesiological Significance for the 20th Century Ecumenical Movement," *The Springfielder* 35 (1970), 136-8. Cf. Wenzel Lohff, "Would the Pope Still Have Been the Antichrist for Luther Today?" *Concilium* 64 (1971), 68-74.

¹⁴WA 40/I, 181, 11f.

¹⁵See my *Luther: Right or Wrong?* (New York-Minneapolis, 1969), pp. 272-3.

Calvin as well as Luther indicated his willingness to accept a pastoral ministry exercised by the bishop of Rome. Indeed much of the polemic of the two great Reformers was directed against the popes for not doing what they were supposed to be doing as the chief pastors of the Church.¹⁶ Even these positive utterances in favor of an authentic Petrine ministry were undercut, however, by the conviction, articulated above all by Luther and Melancthon, that any legitimate Petrine ministry or primacy the papacy might exercise would be due to a purely human decision of the Church: *ius humanum*, not *ius divinum*.¹⁷

It is clear that this thesis, and the by no means clear distinction between *ius divinum* and *ius humanum*,¹⁸ must undergo careful examination—along with the opposite thesis—in any full-scale ecumenical discussion of the Petrine ministry. Did the rationale of the Reformers for this thesis originate with themselves? How much did Calvin simply take over from the Lutherans on this issue? What influence, if any, did Marsiglio of Padua have on the Reformers?¹⁹ What did the Reformers know about the Council of Florence, at which a real, although insufficiently representative and therefore inevitably unstable agreement was reached with the Orthodox concerning the divine origin of the Roman primacy?²⁰

¹⁶Cf. Calvin, "The True Method of Giving Peace, and of Reforming the Church," in *Tracts Relating to the Reformation*, trans. by H. Beveridge, vol. 3 (Edinburgh, 1851), pp. 264-5: "Would that the succession which they falsely allege had continued until this day: with us it would have no difficulty in obtaining the reverence which it deserves. Let the Pope, I say, be the successor of Peter, provided he perform the office of an Apostle."

¹⁷Cf. Luther, *The Smalcald Articles*, Part II, Art. IV, n. 1, and Melancthon's "supplement," as well as the latter's *Treatise on the Power and Primacy of the Pope*, n. 12, in T. G. Tappert, trans. and ed., *The Book of Concord* (Philadelphia, 1959), pp. 298, 315-6, 321-2.

¹⁸This unclarity goes back at least as far as Lk 10:16.

¹⁹Not only papalists but also conciliarists, including William of Ockham, were at odds with Marsiglio in their affirmation of the *ius divinum* of the Roman primacy. Cf. F. Oakley, *Council Over Pope?* (New York, 1969), pp. 56-61 and 69-72.

²⁰Even though John Eck was able to invoke the teaching of Florence in his debate with Luther in 1519, such a figure as Erasmus of Rotterdam seems only to have become aware of the Florentine decrees in 1522. Cf. *Opera Omnia*, vol. 9

Beyond these introductory questions and remarks we can go no further in this paper except to point out that if *ius divinum* means we must have an explicit command or word of institution in the New Testament for a Christian practice or ministry—or for the continuance of such a ministry—then we cannot say the continuance of the Petrine ministry in the Church is of divine law. But neither can we say that the practice of infant baptism or the canon of the New Testament is *de iure divino* in this narrow sense. If, however, one takes into account that the term *ius divinum* has had a broader meaning in the history of Christian thought, prior to,²¹ during²² and since²³ the Reformation era, then there are grounds for supposing that the apparent impasse between Reformation and Roman Catholic thinking concerning the divine origin of the primacy of the Roman bishop might well be bridged. In either the broader or the narrower sense of the term, however, it is clear that the particular centralized mode of exercising—or not exercising!—the Petrine ministry by the Roman bishops on the eve of the Reformation was certainly *not* of divine law.²⁴

It is not surprising, in view of the difficulties connected with the

(Leiden, 1703-1706), 369; 390B. In L-C, n. 19, the participants agreed that Florence "set forth the doctrine of papal primacy in terms that approximate those of Vatican I."

²¹Cf. B. Tierney, *Origins of Papal Infallibility: 1150-1350* (Leiden, 1972), p. 19.

²²Cf. C. Peter, "Auricular Confession and the Council of Trent," in *CTSA Proceedings* (New York, 1969), pp. 185-200, esp. pp. 196-8, and his essay "Dimensions of *Ius Divinum* in Roman Catholic Theology" in *Theological Studies* 34 (1973) pp. 227-50.

²³Cf. K. Rahner, "Reflection on the Concept of 'Jus Divinum' in Catholic Thought," *Theological Investigations*, vol. 5 (Baltimore, 1966), pp. 219-43.

²⁴Prior to his belated awareness of the Florentine decrees (cf. *supra*, note 14), Erasmus thought the question of the divine origin of the Roman primacy was a matter for legitimate theological debate: *Opera Omnia*, vol. 9, 370E-F. Even though he changed his view by affirming that the primacy of the Roman bishop was *secundum Christum* (*Opus Epistularum D. Erasmi . . .*, ed. by P. S. Allen, H. M. Allen and H. W. Garrod, vol. 5 [Oxford, 1906-1957], n. 1410, lines 24-7), Erasmus continued to maintain that *haec monarchia* of the Roman Pontiff, i.e., the contemporary manner of exercising the primacy, was unknown to antiquity. Cf. *ibid.*, lines 19-22, and *Opera Omnia*, vol. 9, 386E-F and 370E.

distinction, that the Lutheran-Catholic dialogue team decided that "the traditional distinction between *de iure humano* and *de iure divino* fails to provide usable categories for contemporary discussion of the papacy."²⁵

B. Roman Catholicism, because of its conviction that Christ did confer on Peter an extraordinary ministry of leadership of the whole Church and that this ministry continues to be exercised by the bishop of Rome, could obviously not take the simple but radical route of the Reformers in dealing with the problem of papal abuse. Yet even though the papal claims of the pre-Reformation era approached absolutism, they never reached it, precisely because of the Church's consciousness, however variously this consciousness was expressed, that the Petrine ministry had its limits.

For example, the axiom, "the first See is judged by no one," as Hans Küng has brilliantly shown in his earlier work, *Structures of the Church*, was never understood in an absolutist way in the medieval Church.²⁶ Every theologian and canonist who wrote about the question in the Middle Ages knew that popes were not absolute, that they were subject to sin, negligence and even heresy and that they could be deposed should they fall into heresy. With that even popes such as Innocent III and anti-conciliarist papalists such as Torquemada and Cajetan agreed.²⁷ It has been pointed out by H. Zimmerman that in the tenth century more popes were deposed than were elected!²⁸—surely an indication that the papacy was not at that time regarded as in any way absolute.

Furthermore, one misinterprets the medieval doctrine that the

²⁵L-C, n. 42; cf. n. 30.

²⁶(New York, 1964), pp. 249-68.

²⁷According to Remigius Bäumer, it was Albert Pighius (c. 1490-1542), a passionate opponent of the Reformers, who was the first Catholic theologian to deny that popes could fall into heresy: "Das Kirchenverständnis Albert Pighes: Ein Beitrag zur Ekklesiologie der vortridentinischen Kontroverstheologie," in *Volk Gottes—Festgabe für Josef Höfer* (Freiburg, 1967), p. 315. Pighius' view was explicitly rejected as extreme at the First Vatican Council. Cf. Gasser's *expositio* in Mansi, *Collectio Conciliorum*, vol. 52, col. 1218.

²⁸*Papstabsetzungen des Mittelalters* (Graz, 1968), cited by Paul de Vooght in *Concilium* 64 (1971), p. 150.

Roman bishop has the *plentitudo potestatis* if one equates this with the attribution of absolute power. Conciliarists such as William of Ockham also attributed the "fullness of power" to the popes, but they thought it was a fullness of limited power, not a *potestas absoluta*.²⁹

One of the major disagreements between medieval papalists and conciliarists had to do with the question: Could a pope be deposed for a crime other than heresy? The conciliarists said yes, the papalists, no. The papalists argued that heresy caused a pope *ipso facto* to cease to be a Christian and thus automatically removed him from office, a general council being only relatively necessary to declare this fact and to get on with the business of electing a new pope. The conciliarists claimed a general council could also depose a pope who was notoriously immoral, schismatic or lax in his pastoral duties. They acted out their theory in their greatest moment at the Council of Constance when they brought to an end the Great Western Schism and elected Martin V as the Petrine successor recognized by all.³⁰

Two points are to be stressed here: (1) there is a deeply-rooted, widespread Catholic tradition that popes can become heretical and that the Church can and must protect itself against papal abuse; (2) this tradition was virtually³¹ forgotten by the bishops at the First Vatican Council. Francis Oakley has called attention to the fact that when the Bishop of Oran mentioned this traditional view at Vatican I he was laughed at. One surely is on firm ground in supposing that had this tradition been *effectively* remembered by the bishops at Vatican I, the definitions of the universal papal primacy and of papal infallibility might well have been more balanced. But to say that the "obvious sense" of the Council of Constance "seems explicitly" to contradict the "obvious sense" of Vatican I's definitions³² is to overlook or fail to apply at least two basic hermeneutical principles, the first applicable to any historical text, the second, a ground-rule of Roman Catholic theol-

²⁹Cf. B. Tierney, *Foundations*, pp. 168, 224f., 244, and F. Oakley, *Council Over Pope?* pp. 68-73.

³⁰The most recent survey of the contemporary literature on conciliarism has been compiled by de Vooght in *Concilium* 64 (1971), 148-57.

³¹Not entirely, as we have seen in note 27.

³²Oakley, *Council Over Pope?* pp. 168-70.

ogy: (1) "there is nothing less certain than the 'obvious sense' of a text"³³ and (2) "Nothing is to be understood as dogmatically declared or defined unless that is manifestly clear."³⁴

We have noted that the papalist canonists and theologians, while admitting deposition of popes because of heresy, would not countenance their deposition for other reasons, however serious. Does this mean that, in contrast to the conciliarists, they would simply remain passive in the face of papal abuse? To be sure, some of the more extreme papalists simply advocated prayer coupled with the hope that God would remove the evil pope. This prompted Erasmus to retort: "How? By lightning? Miracles don't happen anymore."³⁵ Despite his impatience with this type of papalist, Erasmus did not give outright endorsement to the conciliarist solution of deposition. In fact, he, the Catholic Reformer, was much more conservative in this regard than the man whom both he and Luther considered an arch-papalist, Cardinal Cajetan. How few contemporary Roman Catholics as well as Protestants

³³P. Fransen, "The Authority of Councils," in *Problems of Authority*, ed. by J. Todd (Baltimore, 1962), p. 77. Cf. Fransen, "Unity and Confessional Statements: Historical and Theological Inquiry of Roman Catholic Traditional Conceptions," *Bijdragen* 33 (1972), 2-38, and W. Principe, "The Hermeneutic of Roman Catholic Dogmatic Statements," *Studies in Religion/Sciences Religieuses*, 2 (1972), 157-75.—Oakley is well aware of this principle, as his remarks on pp. 165-6 and 171 indicate. My complaint is that, while he applies the principle quite well with regard to Constance, he fails to do likewise in the case of Vatican I.

³⁴*Codex Juris Canonici*, canon 1323, §3: "Declarata seu definita dogmaticae res nulla intelligitur, nisi id manifeste constiterit."—Thus it is foreign to the Roman Catholic theological vocabulary to say a given statement "seems to be a dogma" or that Vatican I "would seem to contradict directly" the Council of Constance. According to the hermeneutical principle found in canon law, if the bishops at Vatican I are to be understood as having intended to condemn the decree *Haec sancta* of Constance, then it would be necessary to show that they manifestly intended to do so. Neither the language of the promulgated text nor the Vatican I *acta* indicate such a manifest intention. In fact, Vatican I was simply not dealing with the problem faced by Constance; it neither affirmed nor denied the teaching of *Haec sancta*.

³⁵*Opera Omnia D. Erasmi Roterodami*, ed. by J. Clericus, vol. 9 (Leiden, 1703-1706), 1180B-C. For what follows see my essay, "Erasmus and the Roman Primacy: Between Conciliarism and Papalism," in *Archiv für Reformationsgeschichte* (1974).

are aware of this papal advisor's non-conciliarist alternative to papal abuse: active resistance! Cajetan writes:

Any private person has the duty to resist, impede and defend [himself and his neighbor against *physical* attack by the pope]. Therefore the pope who is publicly doing harm to the church ought to be resisted to his face. . . . There are many ways by which, without rebellion, the secular princes and the prelates of the church can, if they wish, bring resistance to bear and hinder the abuse of power. But when the princes and the prelates are indifferent . . . why do they complain that the pope can't be deposed, why do they object that power is given for edification, not destruction? Let them oppose the abuse of power which destroys by suitable remedies such as not obeying, not being servile in the face of evil actions, not keeping silence, by arguing and by urging leaders to follow the example of Paul and his precept found at the end of the Epistle to the Colossians [4:17]: "Tell Archippus, 'See that you fulfill the ministry which you have received in the Lord.'" [Do this] and there will be little or no abuse of power.³⁶

Cajetan's call in 1511 for resistance sounds almost like the 1972 statement by several dozen Roman Catholic theologians "Against Resignation in the Church"—only the modern version seems tamer!

Cajetan is not an isolated witness to this respectable Catholic understanding of papal primacy and its limits. We have just footnoted Cajetan's invocation of Thomas Aquinas. Here is another medieval source that touches upon both papal primacy and infallibility:

Although it clearly follows from the fact that the Pope can err at times, and command things which must not be done, that we are not to be simply obedient to him in all things, this does not mean

³⁶*Scripta Theologica*, vol. 1, *De Comparatione Auctoritatis Papae et Concilii*, ed. by V. Pollet (Rome, 1936), chap. 27, nn. 411-2, pp. 178-80. Two paragraphs later Cajetan indicates he is drawing upon Thomas Aquinas' exegesis of Col 4:17 which reads: Archippus "was their prelate and [Paul] commands them to admonish him [to fulfill his ministry] But it seems that it is not proper for a subject to admonish a prelate. . . . It should be said that to argue with and to scold irreverently is prohibited, but he can admonish charitably as Paul did to Peter in Gal 2:11. But why didn't [Paul] write to the prelate? Because the prelate is for the sake of the church, not the converse." *S. Thomae Aquinatis Super Epistolas S. Pauli Lectura*, ed. by R. Cai, vol. 2 (Rome, 1953), n. 193, p. 161.

that he must not be obeyed by all when his commands are good. To know in what cases he is to be obeyed and in what not . . . it is said in the Acts of the Apostles, "One ought to obey God rather than man;" therefore, were the Pope to command anything against Holy Scripture, or the articles of faith, or the truth of the Sacraments, or the commands of the natural or divine law, he ought not to be obeyed, but in such commands he is to be disregarded (*despicendus*).³⁷

These are not the words of Wyclif or Luther or Calvin, but of Cardinal John de Torquemada, uncle of the Spanish Grand-Inquisitor. 3. Have later Roman Catholic dogmas overruled this seemingly crypto-Protestant position? By no means. The Council of Trent certainly did not, for it never dealt thematically with the papal question. Cardinal Bellarmine, the great Counter-Reformation defender of the papacy after Trent, repeats practically verbatim Cajetan's statement about the duty actively to resist a pope causing harm to the Church "by not doing what he commands and by hindering the execution of his will."³⁸

Not even at the First Vatican Council do we find a doctrine of papal absolutism, even though there were individual Catholics who defended such absolutism before the Council³⁹ as well as afterward. We have in mind especially that brand of Roman theology which misinterpreted the Vatican I dogmas in increasingly absolutist ways. As is well known, this theology exercised enormous influence over Anglo-American Roman Catholicism right up to Vatican II.

It is also well known that Vatican I defined the "full and supreme, . . . ordinary and immediate power of jurisdiction of the Roman Pontiff in the whole church,"⁴⁰ but was unable to dispatch its draft

³⁷Torquemada, *Summa de Ecclesia*, pp. 47-8, cited by J. H. Newman in *Newman and Gladstone: The Vatican Decrees*, ed. by A. Ryan (Notre Dame, Ind., 1962), p. 124.

³⁸Bellarmino, *De Romano Pontifice*, II, 29, cited by Newman, *ibid.*, pp. 124-5.

³⁹Cf. C. Butler, *The Vatican Council* (Westminster, Md., 1962), pp. 44-62.

⁴⁰Denzinger-Schönmetzer [= DS], *Enchiridion Symbolorum*, 33rd ed. (Freiburg, 1965), n. 3064. Highly instructive in this connection is the essay by Garrett Sweeney, "The Primacy: The Small Print at Vatican I," *The Clergy Re-*

dealing with the responsibilities and rights of bishops in the Church. It remained for Vatican II to undertake this task of "balancing" the Vatican I definition of papal primacy. Nevertheless, as early as 1875, the German bishops made a public declaration of their understanding of the Vatican I degree. "[T]he description of absolute monarch," they asserted, "even with reference to the Church's affairs, cannot be applied to the Pope, because he stands under the divine law and is bound by the provisions made by Christ for his Church. He cannot change the constitution given to the Church by her divine founder, as a secular legislator can alter the constitution of a state." And, in a grimly prophetic word, foreboding not only Auschwitz but also Washington, they add: "As for the assertion that the decisions of the Vatican Council have made the bishops into papal officials without responsibility of their own, we can only reject it with all possible emphasis; it is, indeed, not in the Catholic Church that the immoral and despotic principle that the command of a superior releases one from responsibility has found acceptance."⁴¹

Pius IX himself responded to this declaration by saying in a letter to the German episcopate dated March 4, 1875: ". . . Your declaration is an expression of that true Catholic doctrine which is at once the teaching of the Vatican Council and of the Holy See."⁴²

Characteristic of the state of Roman Catholic theology in the post-Vatican I period is that fact that this utterly crucial interpretation of Vatican I never found its way into any of the post-Vatican I editions of Denzinger's *Enchiridion Symbolorum* until 1965. Yet this was the manual of official church documents used by virtually every Roman Catholic candidate for the priesthood, episcopacy—and papacy—for almost a century after Vatican I.

Pope Paul VI revealed his own lack of awareness of such limitations on the Petrine ministry in a quite glaring manner that is preserved in the records of Vatican II. The final sentence of Chapter III, article 22 of the Vatican II Constitution on the Church says that the pope can act collegially with the other bishops not only in an ecumenical council,

view 59 (February, 1974), 96-121.

⁴¹*Collective Declaration by the German Episcopate . . .*, trans. in H. Küng, *The Council, Reform and Reunion* (Garden City, N.Y., 1965), pp. 189-90; DS 3114-5.

⁴²DS 3117; trans. in Küng, *ibid.*, p. 187.

but also when the "head of the College calls [the bishops living in all parts of the world] to collegial action, or at least so approves or freely accepts the united action of the dispersed bishops, that it is made a true collegial act."⁴³

During the final drafting of this chapter, Pope Paul submitted a number of amendments to the Theological Commission in charge of the draft and its revision. Most of these papal amendments were accepted by the Commission—but not all. In the process of rejecting one significant papal proposal we find a living indication of an authentic, living understanding of the relationship between the primatial ministry and other ministries of the Church, an understanding asserted by members of the Church in, as it were, a face-to-face encounter with the pope in his own diocese, not unreminiscent of the encounter between Peter and Paul at Antioch.

Pope Paul suggested the following amendment for the sentence in question: In place of the words of the original draft: "provided the Head of the college invites [the bishops] to collegial action" let it be said: "provided that he [the pope], responsible only to the Lord (*uni Domino devinctus*), calls them to collegial action."⁴⁴

A portion of the Theological Commission's response is worth citing at length:

This last expression "calls" may readily be accepted, since it is also used in the oath taken by bishops. However the Commission does not accept (*non placuit*) the phrase: "responsible only to the Lord" . . . because the formula is overly simplified (*nimis simplificada*): for the Roman Pontiff is also bound to observe Revelation itself, the fundamental structure of the Church, the sacraments, the definitions of previous Councils, etc. All of which cannot be listed. Formulas of this sort which involve words like "alone" or "only" must be treated with the greatest circumspection;⁴⁵ otherwise they arouse

⁴³*Documents of Vatican II*, ed. by W. Abbott (New York, 1966), p. 44; *Constitutio Dogmatica de Ecclesia* (Vatican, 1964), p. 26.

⁴⁴*Schema Constitutionis de Ecclesia* (Vatican, 1964), *relatio de N. 22* (V), pp. 92-3.

⁴⁵*Ibid.*, p. 93: "Formulae huiusmodi de 'solo' vel 'uno' cum maxima circumspectione tractandae sunt." The Commission is surely reminding Pope Paul, politely but firmly, of the problems caused by other formulae such as "sola scriptura" and "sola fide."

too many difficulties. Thus, in order to avoid the lengthy and complicated explanations that the use of such a formula would require, the Commission has decided (*censuit*) it is better not to use it. There is a further reason of a more psychological nature: we do not want to pacify one part [of the Council] at the cost of introducing a new anxiety into the other part, especially with regard to relations with the Orientals [the Orthodox are clearly meant here] as is evident from the history of that other formula, namely, "ex sese et non ex consensu ecclesiae."⁴⁶

This understanding of the papal primacy in the *relatio* to Vatican II's *Lumen gentium* can also be found in the report of Cardinal Seper, president of the Congregation of the Doctrine of Faith, to the 1969 Roman Synod. The report, read in the presence of Pope Paul, explicitly stated that the primatial ministry is subject (*subicitur*) not only to the word of God, but also to the "original constitution of the Church."⁴⁷

4. A final point indicating some of the limitations on the primatial authority arises from the seldom-noticed interpretation by Pius IX of the medieval claim that popes have authority in temporal as well as in spiritual matters, together with its corollary: popes have the right to depose temporal sovereigns. One thinks above all, but by no means exclusively, of the bull *Unam sanctam* of Boniface VIII, and of the disastrous consequences the application of this teaching had in later centuries, most notably, the final cementing of the wall between Rome and the Church of England.

In July of 1871 Pius IX declared:

The right of deposing sovereigns and declaring people free from their duty of allegiance . . . was indeed exercised by Popes in extreme cases; but neither the claim to it nor the use of it have anything to do with papal infallibility. Its source was not papal infallibility, but papal authority. That authority, *according to the*

⁴⁶*Ibid.* This last phrase represents an unprecedented, authoritative critique of one of the "hardest" of the Vatican I formulations. Heinrich Fries could have used this *relatio* to strengthen his admirable interpretative essay, "Ex sese, non ex consensu ecclesiae," in *Volk Gottes—Festgabe für Josef Höfer*, pp. 480-500.

⁴⁷Cited by Alexandre Ganoczy, "How Can One Evaluate Collegiality vis-à-vis Primacy?" *Concilium* 64 (1971), 89.

public law then in force and by the agreement of Christian nations . . . included the judging, even in temporal matters, of princes and states.

But present conditions are altogether different from this, and only malice could confuse things and times so different; as if an infallible judgment concerning a principle of revealed truth had any affinity with a right which the Popes, solicited by the desire of the Christian people, had to exercise when the common good demanded it.⁴⁸

The authority to depose rulers and to make other judgments in temporal matters is thus seen by Pius IX to be clearly a matter of human—not divine—law, that is, a law that has meaning in one context but which can be changed or abrogated in the light of a different historical context. The pope concludes: The assertion that the Catholic teaching on the papacy integrally includes such claims to temporal authority is “an absurd idea, that no one any more thinks of, and least of all the Supreme Pontiff.”⁴⁹

This important document of Pius IX is unfortunately still not to be found in even the most recent edition of Denzinger. It has thus become virtually forgotten by the majority of Roman Catholics and is virtually unknown to Protestants and Anglicans who are otherwise quite aware of Boniface VIII’s *Unam sanctam* and Pius V’s *Regnans in excelsis*.

II

1. It is fitting that a document of Pius IX should lead us to a discussion of what infallibility does and does not mean. In keeping with my purpose, I shall not undertake here a critical survey of the rapidly growing literature on the complex theme of infallibility. I wish simply to recall some aspects of the problem which in my judgment have either been forgotten, overlooked, or insufficiently considered in past discussions, yet which can contribute toward a restatement and a reshaping of the doctrine of infallibility. It will become obvious that I do not share the opinion of those Roman Catholics—one seldom hears this suggestion today from Protestants or Anglicans—who think the whole prob-

⁴⁸Text in *Civiltà Cattolica* (August, 1971), p. 4, cited by Butler, *The Vatican Council*, p. 25.

⁴⁹*Ibid.*

lem can best be resolved by having a Third Vatican Council repeal or repudiate the teaching of Vatican I and II on infallibility.

I shall begin by drawing attention at some length to the recent work of the Paderborn theologian, Heribert Mühlen, who has some very basic things to say about the Petrine primacy and infallibility from both the historical and systematic points of view.⁵⁰ Mühlen agrees with Hans Küng that the concrete manner in which the 1870 definition of papal infallibility has operated and still operates can only be disastrous for the future of the Church in the *new epoch* that, as Vatican II's Pastoral Constitution on the Church and the Modern World points out, has already begun, an epoch, a new age of human history marked by profound and rapid changes spreading around the globe. He agrees further with Küng that the epochal structure (*Gestalt*) of the Vatican I definition rests on theologically insufficient, incomplete and still scarcely thought out premises. Yet he disagrees with Küng's overall approach to the problem because he thinks it will only lead to the "consolidation of conservativistic, short-sighted positions."⁵¹

Mühlen offers a positive contribution to the problem by trying to set forth what he calls its epochal aspect. To see the definition of Vatican I as resulting from the politicking of the majority at the Council or to see the traditional monarchical structure of the papacy as a borrowing from ancient political structures, Mühlen contends, is "to separate the problem from its genuine *theological* background" and to overlook the fact that monocracy, the ruling of the Church by an individual, has developed out of a deep experience of *faith* that won't allow such a structure to be called into question by drawing parallels between it and absolutistic power structures.⁵² (Mühlen surely is thinking here of such familiar defenses as: "The Church is not like worldly

⁵⁰"Der Unfehlbarkeits-Test: Warum H. Küng auf harten Widerspruch stossen muss," in *Zum Problem Unfehlbarkeit: Antworten auf die Anfrage von Hans Küng*, ed. by K. Rahner, *Quaestiones Disputatae*, vol. 54 (Freiburg, 1971), pp. 233-57. In this essay Mühlen fiercely attacks the quality of Küng's argument in *Infallible? An Inquiry* (New York, 1971). See Mühlen, "Der Unfehlbarkeits-Test," pp. 233-5. Küng replies in kind to Mühlen in *Fehlbar?: Eine Bilanz* (Zürich: Benzinger, 1973).

⁵¹Mühlen, "Der Unfehlbarkeits-Test," pp. 236-45.

⁵²*Ibid.*, pp. 245-6.

institutions; its constitution is divine and immutable, etc.”). “As long as this experience of faith is not laid bare,” continues Mühlen, “there is scarcely a possibility of any thoroughgoing reform of church structures, as the most recent draft of a new *Lex fundamentalis ecclesiae* clearly shows.”⁵³

Mühlen argues that the experience of faith undergirding the proposed *Lex fundamentalis*, the encyclical *Mystici corporis* of Pius XII and the dogmas of Vatican I is not to be traced back to Boniface VIII, Innocent III or Gregory VII—or even to the Pseudo-Isidorian Decretals, to Pseudo-Dionysius or the Donation of Constantine—but to the “undifferentiated” pre-Trinitarian monotheism of the Old Covenant that was decisive for Ignatius of Antioch’s monarchical understanding of the office of bishop. For him, the bishop stands “in the place of God” (*Magn.* 6,1), is the “image of the Father” (*Trall.* 3,1) and represents the “invisible bishop,” namely God (*Magn.* 3,1f.). “There can be no doubt,” claims Mühlen, “that the unity under one bishop sought by Ignatius is ultimately based on the belief in the *one* God of the Old Covenant who has revealed himself through Jesus Christ (*Magn.* 8,1).”⁵⁴

Mühlen further argues that this idea of the “divine monarchy (one God and one people)” continued in the Church and eventually influenced the “theopolitical monocratic program of Constantine” which involved “one God (not two or three or more gods)—one Lordship of the Father—one Logos—one Emperor—one World” and which thus set the stage for the sustained struggle between popes and emperors throughout the Middle Ages—for only one person can represent the one God!⁵⁵ It is only against this theological background that we can understand the claim of Boniface VIII that the one power of the one God is entrusted to one man, namely, the pope. Only in this light can we understand the teaching of Pius XII, which invoked Boniface VIII, that Christ and the pope form one single head of the Church. This language was *not* received by Vatican II and, as Mühlen points out, such a

⁵³*Ibid.*

⁵⁴*Ibid.*, pp. 246-7. Mühlen refers to the fuller treatment of his argument in his book, *Entsakralisierung* (Paderborn, 1971).

⁵⁵Mühlen, “Der Unfehlbarkeits-Test,” pp. 247-8.

"mystical," moral unity between Christ and Peter is found nowhere in the New Testament.⁵⁶

Mühlen also finds from the second century to Vatican I and beyond an "epochally one-sided and narrow pneumatology" surrounding the episcopal and papal ministries and he submits that these ministries "must be integrated into a more comprehensive pneumatological understanding of the whole church."⁵⁷ The Constantinian program, constructed prior to the definition of the essential equality of the Holy Spirit to the Father and the Son at Constantinople in 381, could have made sense by mentioning only the one God and Father, one Logos and one Emperor, but it completely breaks down in the face of the overwhelming New Testament evidence the moment one tries to insert "one Spirit" into it. For, according to the New Testament, the Spirit is "always simultaneously one and the same in the many: It is present in *each* individual in diverse ways and mediates all with one another, but it is nowhere said that the Spirit is united with a particular person (e.g., Peter) in such a way that this person can, by invoking the Spirit, separate himself from the others and, acting solitarily, impose on them his decision of conscience."⁵⁸ On the contrary, Peter was among the brethren in Jerusalem who sent out the letter stating: "It has seemed good to the Holy Spirit and to *us* to lay upon you no greater burden than these necessary things . . ." (Acts 15:28). And on Pentecost we do not read that the Holy Spirit came first and primarily or in a special way to Peter and only then to the others, but to "all" (Acts 2:4).

The fact that the definition of the essential divine equality of the Holy Spirit was first clearly made in 381 at the Council of Constantinople might have excused or at least made comprehensible the monocratic view of Church and state in the Constantinian era. But why is it that, since 381, there has never been a real effort to develop political or ecclesial structures from a thorough-going trinitarian faith experience with the built-in pluralism this presupposes.⁵⁹

Mühlen observes, quite correctly, that Vatican II has taken perhaps

⁵⁶*Ibid.*, p. 246.

⁵⁷*Ibid.*, p. 250.

⁵⁸*Ibid.*

⁵⁹*Ibid.*

the first step in the direction of a trinitarian ecclesiology with its insistence that it is the whole People of God who are anointed by the Holy One (cf. 1 Jn 2:20, 27) and who cannot err in matters of belief when it exhibits a universal consensus.⁶⁰

2. Mention of the universal consensus of believers leads me to urge that discussion of this theme ought logically and theologically precede any discussion of papal infallibility.⁶¹ For it makes no sense for dialogue partners to talk about papal infallibility if there is no prior agreement that the community of believers, the Church, is in some sense infallible, especially in view of the fact that Vatican I defined papal infallibility in terms of the Church's infallibility.⁶²

If there is to be responsible and fruitful dialogue on the question of infallibility I think it is also urgent for Protestant theologians to recall, if not recover, the conviction common to Luther and Calvin that the whole Church cannot be in error in matters of faith. In affirming that *errare non posse ecclesiam in rebus salutem necessariis*,⁶³ the two great Reformers shared the unanimous agreement of medieval theologians, including the conciliarists—even Marsiglio of Padua. And they were not referring to the "invisible Church!" This is why I regard as especially perceptive the review of Küng's book on infallibility by the Lutheran theologian, Harding Meyer. Meyer sees the book not simply as a question put to the Roman Catholic Church but also as the occasion for a fresh discussion of ecclesial infallibility among Protestants since, as he rightly notes, many of them have something in their traditions approaching this doctrine.⁶⁴

3. In more than one recent discussion of infallibility, papal or otherwise, one finds it said that popes, councils, the whole Church have

⁶⁰*Ibid.*, pp. 251-2; *Constitution on the Church*, nn. 12 and 25.

⁶¹This is not to deny that there may be even more fundamental questions that require discussion, such as the various concepts of truth in the Bible.

⁶²DS 3074.

⁶³Cf. Calvin, *Corpus Reformatorum*, 30, 855, and *Institutes of the Christian Religion*, ed. by J. McNeill, trans. by F. Battles, vol. 2 (Philadelphia, 1960), Book IV, 8, 13, p. 1162; Luther, *Wider Hans Worst* (1541), WA 51, 510, 513, 518.

⁶⁴*The Lutheran World* 19 (1972), 185.

manifestly erred; therefore they cannot be infallible. In contrast, medieval theologians and the Reformers as well, who were equally aware of errors by and in the Church could nonetheless conclude "the Church does not or cannot err." Their assertion of two apparently opposed ideas points to a manner of speaking that is not our own, one that we have previously encountered in discussing the thesis "the first see is judged by no one." ("Outside the Church no Salvation" would be another thesis of the same genre.) In short, these theologians would at times speak quite generally, without expressing qualifications which they implicitly presupposed.

These same theologians could also speak so readily about the errors of general councils that one might conclude they in no way attributed infallibility to any conciliar teachings. For a long time I was of the opinion that the Reformation thesis of the fallibility of general councils would be a major stumbling block for any dialogue on papal infallibility, especially in view of the fact that the definition of papal infallibility was made by what the Roman Catholic Church at least regarded as an ecumenical council. This fear vanished when I read a study by Remigius Bäumer showing that many late medieval theologians—conciliarists and papalists alike—held to the fallibility of general councils, not in everything they did, to be sure, but at least to an extent that renders quite unrevolutionary Luther's teaching that councils can and have erred.⁶⁵ Luther said the same thing about popes. But so did such proponents of papal infallibility as Cajetan and Bellarmine! The latter pro-papal infallibilist says he knows of only one theologian, Albert Pighius, who teaches that popes cannot publicly teach heresy.⁶⁶

This is not the place to enter into a systematic discussion of the qualifications and conditions that medieval and modern theologians have attached to their theses concerning ecclesial, conciliar and/or papal infallibility. I simply draw attention to some of the paradoxical language used by these theologians in order to prevent unnecessary misunderstandings of what has historically been understood by the terms *non*

⁶⁵"Luthers Ansichten über die Irrtumsfähigkeit des Konzils," in *Wahrheit und Verkündigung: Festschrift für Michael Schmaus zum 70. Geburtstag*, ed. by L. Scheffczyk, W. Dettloff, R. Heinzmann, vol. 2 (Paderborn, 1967), pp. 987-1003.

⁶⁶*De Romano Pontifice*, IV, 2; cf. note 27 above.

errat and *infallibilitas*.

4. It is perhaps even more important to note that in the more modern definition of the term infallibility used by Vatican II—which is the only “official” definition of which I am aware—we do not find it said that infallibility means that the Church can’t make errors. We read instead: “Indefectibility pertains to perpetuity, infallibility to truth. The Church, in which Christ lives, having completed the work of salvation, and which is led by the Holy Spirit to the truth, cannot absolutely fall away from the way of salvation, and is therefore infallible in this sense.”⁶⁷

If *this* is the infallibility with which, according to Vatican I and II, Christ willed his Church to be endowed in defining doctrines concerning faith or morals, and if it is *this* infallibility which, according to the same councils, Peter’s successors share, does this not have important implications for our understanding of infallible ecclesial and papal definitions? Does it not follow from Vatican II’s own concept of infallibility that, if papal or conciliar definitions are infallible, this means that these definitions will not cause the Church to turn completely away from the path of salvation? Such a negative understanding of infallibility surely implies something positive, namely, that some aspect of the revealed message will thereby be expressed in these definitions (in some more clearly than in others). And for this reason it will never be neces-

⁶⁷*Schema Constitutionis de Ecclesia* (Vatican, 1964), *relatio de n. 12* (C), pp. 45-6: “Indefectibilitas respicit ad perpetuitatem, infallibilitas ad veritatem. Ecclesia, in qua Christus, opere salutis completo, vivit, et quae a Spiritu Sancto ad veritatem ducitur, a via salutis simpliciter declinare non potest, ideoque hoc sensus infallibilis est.” The *relatio* continues: “Licet mysterium non perfecte perspicat, ab errore tamen, per assistentiam Spiritus Christi, praeservatur; unde falli nequit.” It seems to me that the former sentence controls the latter, for it is in the former sentence that we are told: “ideoque hoc sensu infallibilis est.” Accordingly, the error from which the Church is preserved is not “every error” as some proposals at Vatican I had suggested, but from that, or such error which would cause the Church “to be deceived” (*falli nequit*) in the sense of “simply falling away from the path of salvation.”—Similarly, when speaking of what has traditionally been called “the inerrancy of Scripture,” Vatican II does *not* state that there are no errors or mistakes in the Bible, but that “the books of Scripture must be acknowledged as teaching firmly, faithfully, and without error that truth which God wanted put into the sacred writings for the sake of our salvation”: *Constitution on Divine Revelation*, n. 11.

sary to repudiate such definitions absolutely. This seems to me to be a reasonable way of interpreting the conciliar claim that these definitions are "irreformable."

The texts to which I have called attention serve to strengthen the view of Rahner, shared by George Lindbeck, that, despite the broad ambitions of some at Vatican I, the definition of papal infallibility that actually emerged, when interpreted with the restrictiveness required by the context of the conciliar discussions and *relationes* as well as by the Vatican II interpretation of it, was really quite modest. As Lindbeck suggests, "even a fanatical anti-Catholic might hesitate to claim that the Roman Church has ever erred" so drastically in its dogmas, including that of papal infallibility, that it has placed itself, to use Rahner's words, "in unambiguous contradiction to Christ,"⁶⁸ Yet, according to Vatican II's own understanding of the term, this is basically what the Roman Catholic Church contends can never happen to the Church by virtue of the infallibility with which the Spirit of Christ preserves the Church in its communication of the gospel: namely, it "cannot absolutely fall away from the way of salvation."

I think Lindbeck is remarkably consonant with the above-cited Vatican II concept of infallibility when he states: "The one thing that cannot happen to an infallible dogma is that it be from all perspectives and in all situations false—i.e., irreconcilable with revealed truth, i.e., incapable of being given an interpretation consistent with the Gospel."⁶⁹ Neither arch-infallibilists nor arch anti-infallibilists in the Roman Catholic Church will like this strict interpretation, for it calls into question their common maximizing presuppositions about the meaning of infallibility. The historical-theological burden lies with them, however, to show that their understanding of infallibility (e.g., that the pope teaching *ex cathedra* "cannot make a mistake")⁷⁰ is what

⁶⁸J. Kirvan, ed., *The Infallibility Debate* (New York: Paulist Press, 1971), pp. 145-8.

⁶⁹*Ibid.*, pp. 147-8.

⁷⁰It is a commonplace in contemporary Roman Catholic theology to say that dogmas never express with full adequacy (i.e., they are less than adequate or inadequate) the mystery of faith. The medievals had a similar insight with their contention that faith does not terminate in dogmas, but in the reality to which these refer: "the images through which faith knows something are not the object

was defined by Vatican I "with manifest certainty."⁷¹

Some people may be taken aback by the foregoing suggestion that infallibility has a much more modest meaning than they had assumed. They may see this approach as an abandonment of "real" infallibility or as an effort to cause the doctrine to "die the death of a thousand qualifications." Had the view proposed above simply been the creation of wishful ecumenical thinking, such criticisms would be in order. But it is not. It is an interpretation of the meaning of infallibility based on the Second Vatican Council's own definition of the term.

5. I am not bringing forth any historical-theological thesis of my own here, but simply offering a brief comment on a recent work of a distinguished scholar that will have to be given serious attention in any serious discussion of infallibility. Brian Tierney's *Origins of Papal Infallibility: 1150-1350* presents an ingenious historical argument for locating the origin of the notion that popes are infallible.⁷² It arose, he contends, not among the mainline medieval scholastics nor among curialist theologians and canonists, but among anti-papal rebels, the off-beat Spiritual Franciscans, who claimed that Nicholas III's bull *Exiit*

of faith but that through which faith tends toward its object"; cf. Aquinas, *Summa Theol.*, II-II, q. 1, art. 2, ad 2, and *De Veritate*, q. 14, art. 8, ad 11.—It can, moreover, be a *mistake* for a pope or anyone else to speak the truth, even *ex cathedra*, under certain circumstances. Those who held to the "inopportune-ness" of the definition at Vatican I surely thought the Council would be making a mistake by defining papal infallibility, even though most of them thought the doctrine was true. It is possible to make a whole range of mistakes, even when one is telling the truth. As Rahner puts it: "One need only ask oneself whether a statement though in itself to be qualified as true cannot also be rash and presumptuous. Can it not betray the historical perspective of a man in such a way that this perspective reveals itself as an historically guilty one? Cannot even a truth be dangerous, equivocal, seductive, forward . . . ? If such and many similar questions which could be asked are not to be rejected from the outset, then it becomes clear that even within the truth of the Church and of dogmatically correct statements it is absolutely possible to speak sinfully . . ."; *Theological Investigations*, vol. 5, pp. 45-6. Rahner is even stronger in his commentary on *Mysterium ecclesiae* in *Stimmen der Zeit* 189 (1973), 581-3.

⁷¹Cf. note 34 above. For an exhaustive analysis of the concept of infallibility at Vatican I see A. W. J. Houtepen, *Onfellbaarheid en hermeneutiek: De betekenis van het infallibilis-concept op Vaticanum I* (Emmaus: Brugge, 1973).

⁷²See note 21 above.

qui seminat (1279) infallibly approved the Franciscan rule containing the doctrine of the absolute poverty of Christ and the apostles. When John XXII abrogated the core of this bull, they argued, he demonstrated he was heretical by rejecting an infallible papal teaching.

According to Tierney, John XXII "vehemently denied" that a previous pope could make any definition concerning faith or morals that could not be revoked by one of his successors. It seems to me that the correctness of Tierney's assessment of John XXII's views is important for his whole thesis. Yet it is precisely here that I have one of my greatest difficulties. In John's own bull of 1323, *Cum inter nonnullos*, he does seem to be making an irrevocable dogmatic definition when he says: "We, wishing to put an end to this dispute, in accordance with the counsel of our brethren, declare by this perpetual edict that a persistent assertion [that Jesus and his apostles did not have anything, either personally or in common] shall henceforth be deemed erroneous and heretical, since it expressly contradicts Holy Scripture."⁷³

According to Tierney's thesis, John XXII, despite his talk about a perpetual edict concerning a teaching that contradicted Scripture, would not have been at all surprised if—looking down from heaven—one of his successors were to revoke his bull and declare that the teaching of the Spirituals was indeed in conformity with Scripture. That John's concept of the papal teaching ministry would allow for such an eventuality seems to me quite unlikely. This is not the place for me to enter into a full-scale discussion of this challenging book which is sure to stimulate at least as much further research as Tierney's earlier work, *Foundations of the Conciliar Theory*.⁷⁴

6. John Calvin, as we have seen, affirmed that the Church could not err in matters necessary for salvation. What he opposed was what he regarded as the Roman Catholic view, namely, that, since the Church is guided by the Holy Spirit, it need not refer to the written word of God but can proceed "without the word . . . and outside the word" (*sine verbo . . . extra verbum*).⁷⁵ Historical research into the work of some

⁷³Tierney, *Origins of Papal Infallibility: 1150-1350*, p. 181.

⁷⁴I am pleased to report that a doctoral candidate is already at work at the Institute of Christian Thought in Toronto on John XXII's concept of the papal teaching ministry.

⁷⁵*Institutes*, IV, 8, 13. Luther had already raised a similar objection in *De*

of Luther and Calvin's opponents indicates that there were Catholic apologists in the sixteenth century who defended such unnuanced views.⁷⁶ We have already noted that one of Calvin's major adversaries, Pighius, was an untraditional extremist in ecclesiology.⁷⁷ Even if there were such theologians, it must be said that their view has not shaped official Roman Catholic teaching.

The Constitution on Divine Revelation of Vatican II, for example, asserts that the "teaching office is not above the word of God, but serves it . . ."⁷⁸ This is not some unprecedented Roman Catholic breakthrough achieved only in an ecumenical age. We shall cite two pre-Reformation witnesses, both "papalists." Thomas Aquinas teaches that we can believe the teachings of the prophets and the apostles because the Lord has worked miracles to testify to their credibility. "But," he continues, "we only believe their successors *insofar as* they announce to us what [the prophets and apostles] left behind in their writings."⁷⁹ And on the eve of the Reformation, directly in the context of his defense of papal infallibility, Cardinal Cajetan could write: Both the pope and the universal Church are "subordinate" to Sacred Scripture. "And when it is said that the final determination of faith pertains to the pope, we mean in his own order and rank, under Sacred Scripture, of course, whose author is the Holy Spirit. . . [Thus] the teaching of John [the Evangelist] would have outweighed the teaching of Pope Clement [I] in a doctrine of faith, just as now the Gospel of

abroganda missa privata (1521) to which Cochlaeus responded in *De autoritate ecclesiae* (1524).

⁷⁶Study of the sources referred to in J. T. McNeill's edition of the *Institutes* as the work of Catholic theologians Calvin might have had in mind—Cochlaeus and Alfons de Castro—reveals a much greater appreciation of Scripture on their part than Calvin's remarks suggest. *Institutes of the Christian Religion*, p. 1162, n. 15.

⁷⁷Cf. note 27.

⁷⁸Chapter II, n. 10.

⁷⁹My emphasis. *De Veritate*, q. 14, art. 10, ad 11, in *Quaestiones Disputatae*, ed. by R. Spizzi, vol. 1 (Rome, 1953), p. 301: "Prophetis etiam et apostolis credimus ex hoc quod eis Dominus testimonium perhibuit miracula faciendo, ut dicitur Marc., cap. XVI, 20. . . Successoribus autem eorum non credimus nisi in quantum nobis annuntiat [*sic*] ea quae illi in scriptis reliquerunt."

John outweighs the teaching of any pope and of the whole Church."⁸⁰

Do not these statements from the most orthodox of Catholic theologians contain within them an anticipated response to a fundamental criticism by Calvin—and by much of later Protestantism right up to the present—of the Roman Catholic view of conciliar and papal authority: namely, that it demands blind obedience?⁸¹ Indeed, if this criticism were sound, it would imply the most dreadful opposition between Protestants and Roman Catholics: the former follow their consciences, the latter do not! The former "test all spirits of all men by the standards of God's Word,"⁸² the latter may not. Do not such gross views still enjoy currency?

And yet, even though some of the sixteenth-century Catholic apologists used formulas such as: any faithful person is bound to conform "without any hesitation" to the judgments of the Church,⁸³ formulas which can be found even into the period of Vatican II and beyond, it must nevertheless be said that such language has to be regarded as overly simplified and misleading. Even according to the teaching of Aquinas and Cajetan cited above it is clear that those who are capable of testing the spirits of men by the standards of God's Word have a right to do so. It was not only the conciliarist, Panormitanus, whose teaching in this regard Luther frequently cited, but also the papalist, Cardinal Cajetan, who held that the authority of one man supported by Scripture is greater than that of a council lacking such support.⁸⁴

⁸⁰*Apologia Fratris de Vio Caietani . . . De Comparata Auctoritate Papae et Concilii*, in *Caietani Scripta Theologia*, vol. 1, *De Comparatione Auctoritatis Papae et Concilii*, ed. by V. Pollet, cap. XI, nn. 632-4, pp. 268-9: "... praevallet Evangelium . . . sententiae cuiuscunque papae et totius ecclesiae."

⁸¹*Institutes*, IV, 9, 12, p. 1175, implies that the Catholic view is that one "must accept the teaching of all pastors whatever without any doubting . . ." Calvin does not, however, defend any sort of rugged individualism in interpreting Scripture as can be seen from *Inst.*, IV, 9, 13, where he says a council of true bishops is the best means for settling doctrinal disputes, for its definitions "will have much more weight than [those] of a few private individuals . . ."

⁸²*Ibid.*, p. 1176.

⁸³Alfons de Castro, *Adversus omnes haereses . . .* (Antwerp, 1556), Lib. I, fo. 8D: "... tenetur obtemperare"; fo. 9H: "... universalis ecclesiae traditionibus et definitionibus esse sine ulla haesitatione obtemperandum."

⁸⁴Cajetan, *S. Thomae Aquinatis Super Epistolas S. Pauli Lectura*, nn. 172,

It was this much older Catholic tradition, which also upheld a doctrine of conscience sufficiently radical that it could assert that even an erroneous conscience must be obeyed,⁸⁵ that a Cardinal of the Roman Church invoked when he wrote *after Vatican I*: "It seems . . . that there are extreme cases in which Conscience may come into collision with the word of a Pope, and is to be followed in spite of that word . . ." And, after challenging his partner in public debate to cite Catholic authors who teach that the pope is to be obeyed regardless of circumstances, he concluded with those memorable, theologically profound and ecumenically significant words: "Certainly, if I am obliged to bring religion into after-dinner toasts, (which indeed does not seem quite the thing) I shall drink,—to the Pope, if you please,—still, to Conscience first, and to the Pope afterwards."⁸⁶

It was this same Catholic tradition of the primacy of conscience that enabled Karl Rahner to conclude his reply to Hans Küng by reminding him: "I know that I embrace precisely this statement of my faith [pertaining to infallibility] with the freedom of a Christian man and with a responsibility I am unable to shove off onto anyone else, not even to the magisterium of the church."⁸⁷

690-3. Cf. H. Schüssler, "The Canonist 'Panormitanus' and the Problem of Scriptural Authority," *Concordia Theological Monthly* 38 (1967), 234-41, and R. Bäumer, "Luthers Ansichten über die Irrtumsfähigkeit des Konzils und ihre theologiegeschichtlichen Grundlagen," in *Wahrheit und Verkündigung*, vol. 2 (Paderborn, 1967), pp. 997-1003.

⁸⁵Cf. Aquinas, *Summa Theol.*, I-II, q. 19, art. 5.

⁸⁶Newman, *Newman and Gladstone: The Vatican Decrees*, pp. 127 and 138.

⁸⁷In *Zum Problem Unfehlbarkeit*, pp. 69-70. On p. 68 of the same essay Rahner writes: "In speaking of magisterial pronouncements as a *norma normans* I have never disputed—in fact I have elsewhere said very explicitly—that only Sacred Scripture is the *norma non normata* and that magisterial pronouncements are therefore always to be measured by Scripture. Naturally the methodical question still remains open and it is presumably controverted between Küng and myself *how* this justification of magisterial pronouncements in terms of Scripture is more exactly to take place, i.e. do they only have a normative character for the Catholic theologian after he—for himself alone, at his own calculation and risk—thinks this justification is successful, or does it already have a degree of bindingness—different in each case—before he has brought them into confrontation with Scripture?" It seems to me that Rahner's thought here coincides with that of

It was sensitivity to this same tradition which enabled Vatican II to state in its Declaration on Religious Liberty: "In the formation of their consciences, the Christian faithful ought carefully to attend to the sacred and certain doctrine of the Church."⁸⁸ During discussion of this text, one bishop proposed the following amendment: "... in place of 'in the formation of their consciences they ought carefully to attend to' substitute 'let them form their consciences according to (*iuxta*)'. . . ." The Secretariat for Christian Unity, in charge of expediting the proposed amendments, rejected this particular proposal with the words: "The proposed formula appears to be overly restrictive."⁸⁹ The same can surely be said of the teaching of some of the sixteenth-century Catholic theologians against which Calvin was rightly objecting.

Calvin who, as we have seen in note 81, says that the definitions of a properly conducted council will have more weight than those of a few private individuals. Thus he can say in *Inst.*, IV, 9, 8, that such definitions constitute a pre-judgment ("sitque instar praejudicii . . .") for the believer. Neither for Calvin nor for a distinguished and respectable portion of the ancient, medieval and modern Catholic tradition does this mean that all further deliberation, reflection and conscientious, free decision ceases on the part of the believer.

⁸⁸N. 14: "Christifideles autem in sua efformandi conscientia diligenter attendere debent ad sacram certamque Ecclesiae doctrinam."

⁸⁹"... loco 'in sua efformanda conscientia diligenter attendere debent ad' dicatur 'suam conscientiam efforment iuxta'."

"R.—Formula proposita nimis restrictiva apparet. Obligatio fideles obstringens in textu sufficienter exprimitur." *Schema Declarationis de Libertate Religiosa Modi* (Vatican: 1965) p. 76.—During the controversy over *Humanae vitae* certain bishops demanded that their priests form their consciences according to the teaching of the encyclical. They were thereby demanding something that was explicitly rejected by Vatican II as "overly restrictive." On the other hand, one finds a splendid contemporary theological statement concerning the attitude Catholics should have to papal pronouncements in the statement of Archbishop Deardon of Detroit, then President of the National Conference of Catholic Bishops, issued in the name of the American bishops: Recognizing the unique role of the Bishop of Rome "in the universal Church, we the bishops of the Church in the United States, unite with him in calling upon our priests and people to receive with sincerity what he has taught, to study it carefully, and to form their consciences in its light": United States Catholic Conference, News Release, Washington, D.C., July 31, 1968. There is no suggestion here that one "is bound to obey without any hesitation" (de Castro) or that consciences are to be formed "according to" the teaching of the encyclical. As at Vatican II, Catholics are asked to pay attention to this teaching in forming their consciences.

7. We have already seen how Vatican II understood the *concept* of infallibility. As to the *meaning of the dogma* of papal infallibility defined at Vatican I, I wish only to summarize briefly what I have presented in more detail elsewhere:⁹⁰ one is *bound* to misunderstand the dogma if one reads only the definition of Vatican I, especially with regard to two phrases contained in the definition: (1) *doctrina de fide vel moribus* and (2) *ex sese, non autem ex consensu Ecclesiae*. Concerning the first phrase, I think it is safe to say on the basis of the *relations*, at Vatican I and of the actual promulgated text at Vatican II that the extent to which the Roman Catholic Church regards the Church and popes speaking for the Church as infallible reaches only as far as "the deposit of revelation" and matters intrinsically connected to revelation. This means that the Roman Catholic Church does not see the Church's infallibility extending to any and every moral question raised in modern society.

As for the second phrase, we have already noted that the Theological Commission of Vatican II regarded the "hard saying"—*ex sese, non autem ex consensu ecclesiae*—as an unhappy one precisely because of the misunderstanding it has occasioned. Study of the records of Vatican I shows that the framers of the text of the definition explicitly stated before the assembled bishops that the infallible teaching ministry of the Bishop of Rome was "in no sense" absolute, that it did not mean the pope thereby possessed any new knowledge and that it did not preclude, but rather presupposed the *consensio ecclesiarum* as a "rule of faith even for papal definitions." The only thing the Council refused to say in this regard was that it was absolutely necessary for the pope to consult the *bishops* prior to making a definition of faith—not because he had no duty to consult the Church, but because he could discern the faith-consensus of the Church directly from Scripture or in other ways. The important role of the "consensus of the churches" or of the faithful was therefore not rejected by Vatican I, even though the misleading wording of the definition, when taken out of the context of the overall council discussions, would seem to indicate the contrary. The "consensus of the churches," moreover, plays a decisive role even in Bellar-

⁹⁰Cf. *The Infallibility Debate*, pp. 183-7. Further light on the term "fides et mores" can be found in Fransen, "Unity and Confessional Statements," *Bijdragen* 33 (1972), 16-22.

mine's decidedly non-Gallican teaching about papal infallibility which was highly influential at Vatican I.⁹¹

It is difficult to extract from Bishop Gasser's *expositio* on the formula of the infallibility definition at Vatican I any consistent statement of the relation between the papal teaching ministry and the consensus of the Church. On the one hand, Gasser states: "We do not in the least separate the Pope from the consent of the Church, provided that consent not be put as a condition, be it antecedent or consequent consent."⁹² A few paragraphs later, however, he says that the "consensus of the present preaching of the whole magisterium of the Church united with its head is the rule of faith even for papal definitions."⁹³ This consensus, he continues, need not be discerned from the bishops, since it can very often be deduced from the clear testimony of Scripture, from the consent of antiquity, i.e., of the Fathers of the Church, of theologians, or in other private ways, all of which suffice for full information.⁹⁴ If the pope does inquire of the bishops, he does so in order to find out *quid sentiant ecclesiae*, but there is no rule requiring him to go to the *bishops* for this purpose.⁹⁵ Thus, while not wishing to make the consensus of the Church an antecedent or a consequent condition for papal definitions, except relatively,⁹⁶ Gasser nevertheless insists that the pope must go outside himself to discern the faith of the Church—*quid sentiant ecclesiae*—on the matter to be defined. This conclusion is supported by Vatican I's insistence that infallibility is *not* inspiration or revelation.⁹⁷ It is also reflected in the revealing "test case" Gasser proposes. Supposing, he says, dissension arises between particular churches, and controversies concerning faith ensue, what

⁹¹"... definitions *de Fide* depend principally on the apostolic tradition and the consent of the churches." Trans. and cited by Butler, *The Vatican Council*, pp. 41-2.

⁹²J. D. Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio* ed. L. Petit and J. B. Martin, tome 52 (Paris, 1926) cols. 1213ff.

⁹³*Ibid.*, 1216.

⁹⁴*Ibid.*, 1216-7.

⁹⁵*Ibid.*

⁹⁶See G. Thils, *L'Infaillibilité Pontificale* (Gembloux: Éditions J. Duculot, 1969), pp. 172-5.

⁹⁷DS 3070.

then? He doesn't say: "Go to the pope and he will have the answer." Rather: "According to the canon of Vincent of Lerins, recourse must be had to the *consent* of antiquity, that is, to Scripture and to the Fathers, and from the *consent* of antiquity the dissent of present preaching is to be resolved."⁹⁸

Gasser's *explicatio* may well suffer from inconsistencies or lack of sharpness in what it says about *consensus* owing to the relatively unclear state of the question of his day. But at least he had some positive things to say about the relation of dogmatic definitions to the *consensus ecclesiae*. The 1973 declaration of the Roman doctrinal congregation, on the other hand, seems to say too little in a positive way about the importance of consensus with its assertion: "However much the Sacred Magisterium avails itself of the contemplation, life and study of the faithful, its office is not reduced merely to sanctioning the assent already expressed by the latter . . ." ⁹⁹ This statement is supported by a reference to the censure of a quite different thesis attributed to the Modernists,¹⁰⁰ but fails to take into account the important *relatio* at Vatican II which advances the doctrinal state of the question by affirming that "papal and conciliar definitions do not require the approbation [juridical?] of the people . . . but carry with them and express the consent of the whole community."¹⁰¹

8. The language of Vatican I and II indicating that the "consensus of the churches" or "of the whole community" is integral to any infallible

⁹⁸Mansi, 52, 1217.

⁹⁹*Mysterium ecclesiae*, n. 2.

¹⁰⁰DS 3406: "In defining truths the teaching and the learning church collaborate in such a way that nothing remains to the teaching church except the sanctioning of the *common opinions* of the learning church." My emphasis. The very distinction between an *ecclesia docens* and *discens*, now virtually abandoned in Roman Catholic theology, obviously militated against a positive evaluation of the *consensus fidelium* in the Modernist era.

¹⁰¹*Schema Constitutionis de Ecclesia* (Vatican, 1964), p. 98: ". . . sed consensus totius communitatis secum ferant et expriment." Avery Dulles, in his commentary on *Mysterium ecclesiae*, offers this clarification: "the assent of the Church, to be sure, is not the source of the magisterium's infallibility (God is the source), but it is a sign that the magisterium in a given pronouncement has not acted without the help of the Spirit." "Infallibility Revisited," *America* 129 (August 4, 1973), 56-7.

teaching of the Church—or of councils or popes—along with the Vatican II recognition that the Church of Christ subsists in (but is not coextensive with) the Roman Catholic Church¹⁰² raises large questions for Roman Catholics concerning the teaching of those councils in regard to the papacy.

While it is perfectly clear that the teachings of these councils express in an official manner the faith of the Roman Catholic Church, it is equally clear that they do *not* “carry with them and express the consent of the whole community.” It is therefore difficult to see how they can be said to have been infallibly defined (which is not to say they are not true). It cannot be convincingly argued that they are infallibly defined by the fact that they are solemn definitions of ecumenical councils, since ecumenical councils either adequately represent or are subsequently received by the ecumenical Church—or perhaps both.¹⁰³

¹⁰²*Constitution on the Church*, n. 8; *Decree on Ecumenism*, n. 3. It is historically quite likely that many or most of the bishops at Vatican I and II, on the basis of prevailing theological opinion, thought the “whole community” of the Church was adequately represented in those councils and therefore that those councils had a claim to infallibility. But the *theological* insights of Vatican II just referred to undercut such ecclesiological presuppositions and have retroactive implications for our present-day evaluation of the ecumenicity of those councils, even if the implications of those insights were not clearly seen or consistently applied at Vatican II to the question of ecumenical councils.

¹⁰³To the objection that, according to these standards, there have never been *any* ecumenical councils, since the Arians, Monophysites, et al. did not receive the councils which censured them, I do not think one ought to reply: those people were heretics and were therefore simply “outside the church.” The problem of the “second generation” of Arians, etc. immediately sets in, concerning which Vatican II made the sensitive observation: “. . . one cannot impute the sin of separation to those who at present are born into these Communities and are instilled therein with Christ’s faith. The Catholic Church accepts them with respect and affection as brothers.” *Decree on Ecumenism*, n. 3.—Moreover, while we may revere the first four ecumenical councils as we do the four gospels, as did Gregory the Great, this does not prevent us from asking whether their mode of dealing with the dissenters is a model for us today. It has frequently been pointed out that even some of the greatest councils have divided as well as united Christians. Cannot future councils at least diminish the extent of division, as did Florence, at least temporarily, and Vatican II, whose positive influence on the cause of Christian unity has been remarkable? To return to the objection mentioned above: I think it makes theological sense to say that the only “truly and

The only way in which one can maintain that most of the medieval "general" councils, as well as those of Trent and Vatican I, are "ecumenical" in the same sense as the first four councils, which have been almost universally received by Christians, is to suppose that the separated churches of the East and the later churches of the Reformation are simply not part of the universal Church or the body of the faithful, or that reception by these churches is not required for a council to be ecumenical.¹⁰⁴

The first supposition is contrary to the teaching of Vatican II; the second represents a complete break from the self-understanding of the first seven councils—all held in the East—that it was necessary for Rome and the Church of the West to receive, approve or confirm their decrees. Starting with Lateran I, however, only the West and the Latin East were represented (with the exception of Lyons II and Florence), but not the *whole Church*. It is hardly surprising that the Eastern Orthodox did not receive the decisions of these councils, since they were more often than not uninvited, unrepresented and unsolicited concerning reception of the conciliar decrees.

It is also important to note that there was by no means as much assurance among Western medieval and late medieval theologians and canonists concerning the number of "ecumenical" or "universal" councils as there was in Robert Bellarmine and the vast majority of Roman Catholic theologians who have faithfully but uncritically followed in his footsteps.¹⁰⁵

perfectly ecumenical council" will be the one over which God the Father, Son and Holy Spirit will preside in the kingdom that is coming. And I think it makes both theological and historical sense to say that all other councils until then will partake of ecumenicity in varying degrees.

¹⁰⁴On "reception," a category too long neglected in Roman Catholic ecclesiology owing to overreaction against the Gallican and Sobornost theories, see the important study of Y. Congar, "La 'reception' comme réalité ecclésiologique," *Revue des sciences philosophiques et théologiques* 56 (1972), 369-403, abridged and not always precisely translated in *Concilium* 77 (1972), 43-68.

¹⁰⁵Cf. R. Bäumer, "Die Zahl der allgemeinen Konzilien in der Sicht der Theologen des 15. und 16. Jahrhunderts," *Annuario Historiae Conciliorum* 1 (1969), 288-313, and P. Franssen, "Unity and Confessional Statements," *Bijdragen* 33 (1972), 26, who refers to more literature on this theme and notes that Bellarmine's opinion was questioned for the first time by a Catholic theologian in 1933 in the person of V. Grumel, "L'union des églises et le nombre des conciles écuméniques," *Vers l'unité de l'Église* 11 (1933), 5-7.

What do these thoughts suggest about the future of the Petrine ministry? Does the opinion that the Council which defined papal infallibility was not fully ecumenical imply that this teaching therefore has no authority? By no means. I think it has been clear throughout this essay that I am surely not among those who think the papacy is near its end or that the only way it will survive or become ecumenically acceptable is by an outright renunciation by the Roman Catholic Church of the claims made for the papacy by Vatican I and II. These councils might not have been "ecumenical" in the sense of the first four or seven, but they surely were assemblies of believers gathered in the name of Jesus Christ and united in prayer to his Holy Spirit, who at the same time represented well over half of the Christian community. To suggest that their prayers for guidance were not heard, and that the definitions they promulgated involve unmixed error or a "complete falling away from the path of salvation" seems to me to be an enormity that will not be *received* by the Christian People—Roman Catholic or otherwise.

But to suggest that, at some future council or series of them, more fully ecumenical than any held in this millennium, at which the whole Church—Protestants, Anglicans, Orthodox—will be represented on an equal footing with their Roman Catholic separated brethren, it will be possible for all these Christians to be reconciled in prayer and to re-think and re-state the dogmas of Vatican I concerning the papacy in such a way that an understanding of the Petrine ministry will emerge that can be received by all—to suggest this is to suggest a distinct possibility. At least that is what reflection on these and other more or less forgotten truths about the Petrine ministry suggests to me.

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