



Ultramontanism *and* Tradition



THE ROLE OF PAPAL AUTHORITY
IN THE CATHOLIC FAITH

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❧ PREFACE ❧

IT IS NOT POSSIBLE TO UNDERSTAND THE CRISIS IN THE Catholic Church today, much less begin to see how it might be overcome, without a careful study of the origins of the ecclesial current known as ultramontanism. While this current originated in the fierce anti-Liberalism of nineteenth-century conservatives, it tended, over the next century and a half, toward an unrestrained hyperpapalism that weakened subsidiarity, overrode local custom, and dismantled immemorial tradition, until with Pope Francis it has morphed into a veritable engine of progressivism.

What are the historical, theological, and cultural causes of this complex phenomenon—at once a quasi-doctrine, an attitude, and a political regime—and of its successive developments or deviations? Is an ultramontanist papacy the source of our ills, or their only possible remedy, or perhaps something of both (*corruptio optimi pessima*)? Did Vatican I comprehensively define the pope’s role and prerogatives, or did it leave many questions undetermined and debatable? Might there be a “spirit of Vatican I” as harmful, in its own way, as the later and rightly denigrated “spirit of Vatican II”? Can popes be heretics, and what, if anything, can be done about a heretical pope? What is the relationship between papacy and episcopacy; between moral authority and coercive power; between legal positivism, blind obedience, and clerical abuse (sexual and otherwise)? In the face of pontifical monarchy, do churches *sui iuris*, organized communities, subordinate rulers, baptized faithful, venerable traditions, or time-honored liturgies enjoy their own inviolable rights?

These and related questions occupy the attention of the twenty-six scholars who have contributed to this anthology, which they offer as a service to their fellow Catholics and to the Church in a period of institutional upheaval. The nearly fifty essays do not represent or advocate for a single “correct view”—there is plenty of respectful disagreement among the authors as they respond and counter-respond to each another’s work—but rather, aim to equip readers with the best of contemporary conservative and traditional writing on these controversial topics.

As this book is hefty, as its authors are well-known, and as the titles of the parts and chapters speak for themselves, no lengthy preface is needed. This anthology came together because of the intellectual friendship of the editor with the rest of the authors, and of these authors among themselves. The traditional Catholic world is well-connected and interacts frequently about matters of importance. We keep track of essays, books, and lectures, and try to pursue the truth as a common endeavor, for indeed truth is among the loftiest of common goods and counted as one of the Names of God. Our times make this common pursuit both easier and harder—easier in that Catholic writing usually becomes instantly and globally available; harder in that the sheer volume of analysis can be overwhelming, and

the factions are more numerous and louder than ever before, so that one feels as if one is fighting a battle on ten fronts instead of one or two. Be that as it may, I find that the best writing tends to stand out, to soar above the maelstrom. Even after several years of journalistic inundation, one finds oneself remembering this or that special piece and going back to it or recommending it to a friend. In compiling this anthology, I strove to gather the “solid gold,” no lead, no dross.

Although most of the chapters in this book were initially published elsewhere (the location and date is given in the first note of each chapter), four appear in this volume for the first time: the major study “What May Be Done about a Heretical Pope?” by a Friar of the Order of Preachers (chapter 9); the short but thought-provoking essay “The Tower, and the City, of Babel: A Warning against Ultramontanism” by Robert W. Keim (chapter 26); the masterful synthesis “Centripetal Governance and the Loss of Coherence” by Stuart Chessman (chapter 37); and a translation of a German interview on the papacy featuring Martin Mosebach and Thomas Sternberg (chapter 50). Moreover, three chapters are reworked and expanded versions of earlier publications: Phillip Campbell’s study of Pope St Gregory VII (chapter 2), Thomas Pink’s “Papal Authority and the Limits of Official Theology” (chapter 3), and John Lamont’s “The Catholic Church and the Rule of Law” (chapter 7).

The chapters in Parts I and III follow principally a logical order, irrespective of their date of origin, whereas the chapters in Part II mainly follow the chronological order of publication since so many of them were written precisely as responses to earlier pieces (e.g., the courteous exchanges among Messrs. Chessman, Ureta, de Mattei, and Flanders). A few of the chapters are written as responses to authors whose work is not included in this volume; whenever that is the case, a footnote indicates where the reader may find that work.

Given that I myself have devoted much attention to the problem of hyperpapalism, the reader may wonder why I have contributed no chapters to this anthology. The reason is simple: my own recent work on these themes was sufficiently substantive to publish it as a separate volume that appeared last month under the title *Bound by Truth: Authority, Obedience, Tradition, and the Common Good* (Brooklyn, NY: Angelico Press, 2023). That book will surely appeal to the same readers to whom this one does.¹ It is also worth mentioning two new books that appeared after this manuscript was completed and that take up in greater detail the origins and consequences of Jorge Mario Bergoglio’s theology: Serafino M. Lanzetta’s “*Super Hanc Petram*”: *The Pope and the Church at a Dramatic Moment in History* (Lincoln, NE: Os Justi Press, 2023) and Jean-Pierre Moreau’s *The Synodal Pope: The True Story of the Theology and Politics of Pope Francis*, translated by Jeanne Smits (Gastonia, NC: TAN Books, 2023).

¹ *Bound by Truth* joins several thematically related books that I have written or edited since 2021, namely, *The Road from Hyperpapalism to Catholicism* (Waterloo, ON: Arouca Press, 2022), *True Obedience in the Church* (Manchester, NH: Crisis Publications, 2022), and *From Benedict’s Peace to Francis’s War* (Brooklyn, NY: Angelico Press, 2021).

A word about the juxtaposition of the epigraphs. My quoting of Fr Fortescue's private outburst about Pius X, from a letter dated November 5, 1910, does not mean that I find (or, for that matter, that Fr Fortescue found) nothing admirable in the devout pontiff. Quite the contrary. The primary objection is to the ever-increasing centralization of Church governance around the pope, and the virtual equation of the pope's every thought and whim with the will of God, with all divine qualities, with the essence of holiness—that is the point of the accompanying over-the-top quotation from Pius X's allocution of November 18, 1912 (*Acta Apostolicae Sedis*, 1912, p. 695), which expresses a view of the papacy *far* beyond anything the Church has ever taught with a high degree of authority. And this, in turn, harks back to another and even more unfortunate outburst, that of Pius IX in a private meeting at the time of the First Vatican Council. Many Catholics today can relate to Fortescue's feelings of frustration, scribbled well over a hundred years ago. As Roberto de Mattei soberly says, the dogma of infallibility does not cancel out the possibility of infidelity, error, and betrayal—be they obvious cases, like *Amoris Laetitia* and Pachamama, or more subtle but still consequential ones, like the radical revision of the Roman Breviary in 1911 that paved the way for increasingly audacious papal actions against liturgical tradition in the ensuing decades.

I would like to express my thanks to *OnePeterFive*, *Crisis Magazine*, *Rorate Caeli*, *LifeSiteNews*, *The Lamp*, *Catholic World Report*, *Catholic Family News*, *The European Conservative*, *Herder Korrespondenz*, the Society of St Hugh of Cluny, and The American Society for the Defense of Tradition, Family, and Property for permission to republish.

Footnotes are by the author of each chapter unless otherwise noted; internal cross-references have, however, been added without further ado, and a measure of consistency has been imposed on citations, in spite of the diversity of countries from which the contributors hail. Over the centuries Gratian's *Decretum* has been cited in varying manners and we have decided to allow the authors here to cite it in the method they prefer. Please bear in mind that, because this book is equipped with a complete bibliography of works cited, short citations are the norm. Unsightly hyperlinks are not supplied for most online citations, except where the source might be difficult to find with a simple search.

Lastly, those who wish to view in color the Figures printed here in black and white (pp. 207–20) will find many of them in the online version of Stuart Chessman's essay "Ultramontanism: Its Life and Death"—either the original four posts at the blog of the Society of St Hugh of Cluny on December 20, 23, 27, and 31, 2021, or the single post that brought them all together at *Rorate Caeli* on January 7, 2022.

Peter A. Kwasniewski
December 11, 2023
Pope St Damasus I

⌘ ABBREVIATIONS ⌘

CIC *Codex Iuris Canonici*
(Code of Canon Law)

DH Denzinger-Hünemann

DTC *Dictionnaire de théologie catholique*

ED *Ecclesia Dei*

MD *Mediator Dei*

MGH EKA *Monumenta Germaniae Historica:*
Epistolarum Karolini Aevi

PL *Patrologia Latina*

ST *Summa theologiae*

TC *Traditionis Custodes*



⌋ PART I ⌋
Authority and Power
in the Church

The *Plenitudo Potestatis* of the Roman Pontiff in Service of the Unity of the Church¹

RAYMOND LEO CARDINAL BURKE

INTRODUCTION

In one of the open discussions during the session of the Synod of Bishops held in October of 2014, the Synod Fathers were debating about the possibility of the Church permitting those living in irregular matrimonial unions to receive the sacraments of penance and the Holy Eucharist. At a certain point, one of the cardinals, thought to be an expert in canon law, intervened with what he judged to be a definitive solution to the difficulty. Making reference to the dissolution of marriages in favor of the faith, he strongly asserted that we have not at all begun to comprehend the extent of the *plenitudo potestatis* of the Roman Pontiff.

The implication was that the fullness of power which is, by divine law, inherent to the Petrine Office could permit the Holy Father to act in contradiction to the words of Our Lord Himself in chapter nineteen of the Gospel according to St Matthew and the Church's constant teaching in fidelity to the same words: "And I say to you: whoever divorces his wife, except for unchastity, and marries another, commits adultery; and he who marries a divorced woman, commits adultery" (Mt 19:9). The cardinal's quite shocking affirmation made me think again about something which the Holy Father himself had said, at the beginning of the 2014 session of the Synod, to all of the Synod Fathers.

He told the Synod Fathers: "It is necessary to say with *parrhesia* all that one feels."² He then concluded: "And do so with great tranquility and peace, so that the Synod may always unfold *cum Petro et sub Petro*, and the presence of the pope is a guarantee for all and a safeguard of the faith."³ The juxtaposition of the classic words which describe the power of the pope, such that all things in the Church must be with Peter and under Peter, and the presence of the body of the pope

1 A paper delivered at the conference "Catholic Church: Where are you heading?," held in Rome, April 7, 2018. Translated by Diane Montagna and published at *LifeSiteNews* on April 13, 2018. The first few paragraphs, a personal tribute to Cardinal Meisner, have been omitted.

2 "Saluto del Santo Padre Francesco ai Padri Sinodali, 6 ottobre 2014," *La famiglia è il futuro. Tutti i documenti del Sinodo straordinario 2014*, ed. Antonio Spadaro (Milan: Ancora Editrice, 2014), 118. English translation: "Pope Francis's invitation to the Synod Fathers at the opening of the General Congregation: With honesty and humility," *L'Osservatore Romano*, October 10, 2014, p. 6.

3 *La famiglia è il futuro*, 118; *L'Osservatore Romano*, October 10, 2014, p. 6.

in a meeting risks a misunderstanding of the authority of the pope which is not magical but derives from his obedience to Our Lord.

Such magical thinking is also reflected in the docile response of some of the faithful to whatever the Roman Pontiff may say, claiming that, if the Holy Father says something, then we must accept it as papal teaching. In any case, it seems good to reflect a bit on the notion of the power inherent to the Petrine Office and, in particular, on the notion of the fullness of power (*plenitudo potestatis*) of the Roman Pontiff.

THE FULLNESS OF POWER IN THE TRADITION

The history of the terminology, *plenitudo potestatis*, to express the nature of the jurisdiction of the Roman Pontiff is succinctly described in a contribution of Prof. John A. Watt of the University of Hull to the Second International Congress of Medieval Canon Law, held at Boston College from August 12–16, 1963.⁴ The term is first used by Pope St Leo the Great in 446. In his Letter 14, he writes about the authority of the bishop with these words: “Thus we have confided to your charity our duties, such that you are called unto a share of solicitude, not unto the fullness of power.”⁵ In his customary crystalline Latin, Pope St Leo the Great expresses the relationship of the Roman Pontiff with the bishops. While both the Roman Pontiff and the bishops share the solicitude for the good of the universal Church, the Roman Pontiff alone exercises the fullness of power, in order that the unity of the universal Church be effectively safeguarded and promoted.

The term, fullness of power, is found extensively in treatises on papal authority, especially in the canonical literature. Gratian includes the dictum of Pope St Leo the Great along with two other canons among his decrees. These decrees emphasized “papal primacy as expressed in the supreme appellate jurisdiction and the reservation of all major issues.”⁶ St Bernard of Clairvaux contributed greatly to the reception of the term, so that “by the time of Huguccio it had reached a high level of development.”⁷

Pope Innocent III, grounding the term theologically in the reality of the papal office as the Vicar of Christ on earth (*Vicarius Christi*), emphasized the position of the Roman Pontiff “*supra ius*” and “*as iudex ordinarius omnium*.”⁸ Regarding the term, *supra ius*, “over the law,” it was clear that the Roman Pontiff could dispense from the law or interpret the law only for the purpose of serving the proper end of the law, not to subvert the law. The description of the exercise of the fullness

4 Cf. J. A. Watt, “The Use of the Term ‘Plenitudo Potestatis’ by Hostiensis,” in Stephen Ryan and Joseph Kuttner, ed., *Proceedings of the Second International Congress of Medieval Canon Law*, Boston College, August 12–16, 1963 (Città del Vaticano: S. Congregatio de Seminariis et Studiorum Universitatibus, 1965), 161–87.

5 “Vices nostras ita tuae credidimus charitati, ut in partem sis vocatus sollicitudinis, non in plenitudinem potestatis” [Ep. 14, PL 54:671], quoted in Watt, 161.

6 Watt, 164.

7 Ibid.

8 Watt, 165.

of power as the action of Christ Himself, through His Vicar on earth, was made with “the qualification that the pope must avoid decreeing anything that was sinful or might lead to sin or subversion of the faith.”⁹

Cardinal Henry of Susa, called Hostiensis, an illustrious canonist of the thirteenth century, treated amply the notion of the fullness of power of the Roman Pontiff, using the term in seventy-one individual contexts in his writings: the *Summa*, the *Apparatus* or *Lectura* on the *Gregoriana*, and the *Apparatus* on the *Extravagantes* of Innocent III. In Appendix A of his article, Prof. Watt provides a representative list of legislative texts of Pope Innocent III in which he uses the term, fullness of power, while in Appendix B of his article, he provides a list of all seventy-one usages of the term, fullness of power, by Hostiensis.¹⁰

Hostiensis introduced a distinction of two uses of the fullness of power: the pope’s “ordinary power” (*potestas ordinaria* or *ordinata*) when by virtue of his “fullness of office” (*plenitudo officii*) he “acted according to the law already established,” and “his absolute power” (*potestas absoluta*) when by virtue of his “fullness of power” (*plenitudo potestatis*) he “passed over or transcended existing law.”¹¹ The adjective “absolute” must be understood in the context of Roman Law and its service to the development of canonical discipline, not according to the secular understanding of Machiavelli or of totalitarian dictators.

In Roman Law, it signified a dispensation from a law and supply of a defect in a law. In the words of Prof. Watt:

Dispensation was a use of the absolute power to set aside existing law; *suppletio* was an act of absolute power to remedy defects that had arisen either through the non-observance of existing law or because existing law was inadequate to meet the particular circumstances. In both cases the absolute power, the *plenitudo potestatis*, stands revealed as a discretionary power over the established legal order, a prerogative power to act for the common welfare outside that order, if, in the pope’s judgment, circumstances made this necessary.¹²

In other words, the fullness of power was understood not as an authority over the very constitution of the Church or her Magisterium but as a necessity for the governance of the Church in accord with her constitution and Magisterium. Hostiensis describes it as a necessary tool so that “curia business could be expedited, delays shortened, litigation curtailed,”¹³ while, at the same time, “he considered that it was a power to be used with great caution, as a power in the Pauline phrase ‘unto edification and not for destruction,’ a discretionary power to maintain the constitution of the Church, not to undermine it.”¹⁴

9 Watt, 166.

10 Watt, 175–87.

11 Watt, 167.

12 Watt, 167–68.

13 Watt, 168.

14 Watt, 168. Cf. 2 Cor 13:10.

It is clear that the fullness of power is given by Christ Himself and not by some human authority or popular constitution, and that, therefore, it can be rightly exercised only in obedience to Christ. Prof. Watt observes:

It was axiomatic that any power which had been given by Christ to His Church was for the purpose of fulfilling the end of the society which He had founded, not to thwart it. Therefore the prerogative power could only be exercised within these terms. Therefore “absolutism” (*solutus a legibus*) was not licence for arbitrary government. If it was true that the will of the prince made the law, in the sense that there was no other authority which could make it; it was also true as a corollary that, where this will threatened the foundations of the society whose good the will existed to promote, it was no law. The Church was a society to save souls. Heresy and sin impeded salvation. Any act of the pope in *quantum homo* which was heretical or sinful in itself or might foster heresy or sin threatened the foundations of society and was therefore void.¹⁵

In other words, the notion of fullness of power was carefully qualified.

It was understood that it did not permit the Roman Pontiff to do certain things. For example, he could not act against the Apostolic Faith. Also, for the sake of the good order of the Church, it was a power to be used sparingly and with the greatest prudence. Watt observes:

It was unfitting to depart from the *ius commune* too frequently or to do so *sine causa*. The pope could do so, but he should not, for the exercise of the *plenitudo potestatis* was to further the *utilitas ecclesie et salus animarum* and not the self-interest of individuals. The setting aside of the *ius commune* must therefore always be an exceptional act impelled by grave reasons. If the pope did so act *sine causa* or arbitrarily, he put his salvation in danger.¹⁶

Since the notion of fullness of powers contains the just-described limitations, how is the violation of the limitations judged and corrected? What is to be done if the Roman Pontiff so acts? Hostiensis is clear that the pope is not subject to human judgment. “He should be warned of the error of his ways and even publicly admonished, but he could not be put on trial if he persisted in his line of conduct.”¹⁷ For Hostiensis, the College of Cardinals, even though they do not share in the fullness of power, “should act as a *de facto* check against papal error.”¹⁸

Hostiensis recognized the need for the exercise of the fullness of power at certain times, in order to “rectify the imperfections of the established order or thwart

15 Watt, 173.

16 Watt, 168. *Ecclesie* is a spelling found in medieval texts.

17 Watt, 169.

18 Ibid.

those who were manipulating it for private ends,”¹⁹ but he also “thought as a general rule the pope should be slow to depart from the common law and he also thought that he should take the fraternal advice of his appointed advisers before doing so.”²⁰ Apart from public admonition and prayer for divine intervention, he does not offer a remedy for the abuse of the fullness of power. If a member of the faithful believes in conscience that a particular exercise of the fullness of power is sinful and cannot bring his conscience to peace in the matter, “the pope must, as a duty, be disobeyed, and the consequences of disobedience be suffered in Christian patience.”²¹

Time has not permitted me to examine the question of the correction of the pope who abuses the fullness of power inherent to the primacy of the See of Peter. As many will know, there is an abundant literature on the question. Certainly the treatise *De Romano Pontifice* of St Robert Bellarmine and other classical canonical studies must be examined. Suffice it to say that, as history shows, it is possible that the Roman Pontiff, exercising the fullness of power, can fall either into heresy or into the dereliction of his primary duty to safeguard and promote the unity of faith, worship, and practice. Since he is not subject to a judicial process, according to the first canon on the competent forum in the Code of Canon Law (“Prima Sedes a nemine iudicatur”),²² how is the matter to be addressed?

A brief preliminary response, based upon the natural law, the Gospels, and canonical tradition, would indicate a twofold process: first, the correction of a supposed error or dereliction made directly to the Roman Pontiff himself; and, then, if he fails to respond, a public declaration. According to natural law, right reason demands that subjects be governed according to the rule of law and, in the contrary case, provides that they have recourse against actions in violation of the rule of law. Christ Himself teaches the way of fraternal correction which applies to all members of His Mystical Body.²³ We see His teaching embodied in the fraternal correction of St Peter by St Paul, when St Peter dissembled regarding the freedom of Christians from certain ritual laws of the Jewish faith.²⁴ Finally, the canonical tradition is summarized in the norm of can. 212 of the 1983 Code of Canon Law. While the first section of the canon in question makes clear that “the Christian faithful are bound to follow with Christian obedience those things which the sacred pastors, inasmuch as they represent Christ, declare as teachers of the faith or establish as rulers of the Church,”²⁵ the third section declares the

19 Watt, 174.

20 Ibid.

21 Watt, 173.

22 Cf. can. 1404.

23 Cf. Mt 18:15-17.

24 Cf. Gal 2:11-21.

25 “Quae sacri Pastores, utpote Christum repraesentantes, tamquam fidei magistri declarant aut tamquam Ecclesiae rectores statuunt, christifideles, . . . christiana oboedientia prosequi tenentur.” Can. 212, §1 (English translation by the Canon Law Society of America).

right and duty of the faithful “to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons.”²⁶

To conclude this too brief examination of the development of the notion of the fullness of power from the time of Pope St Leo the Great, it must be observed that the contribution of the medieval canonists constitutes a deepening of the understanding of the Church’s faith regarding Petrine primacy. It, in no way, pretended to offer doctrinal novelty. Prof. Watt summarizes the matter thus:

That the concept of ecclesiastical sovereignty expressed by this particular term had been formulated before Hostiensis wrote, is clear from Innocent III’s decretals and the early commentary thereon. Examination of the decretalist background to early decretalist work makes it clear that no novelty of doctrinal essence was here involved. The decretals register a crystallization of terminology; sure mark of the maturity of the canonist understanding of the notion in question. The *Professio Fidei* known to the Second Council of Lyons was but a more solemn acceptance of a position held generally much earlier, not least among canonists, expressed now with the help of a term which the canonists had made a technical one. In the form adopted at Lyons, *plenitudo potestatis* represented two things, both of which corresponded exactly to its canonistic history: the principle of jurisdictional primacy as such, in all its judicial, legislative, administrative and magisterial aspects, and more narrowly, the principle that prelates derived their jurisdiction from the pope.

There was, however, a third level of interpretation of the term: the plenitude of power in its purest juristic form. This was the level at which the canonists were most deeply engaged, in that it concerned the practical applications of supreme authority and considered its relationship to law already in being and an *ordo iuris* already established. In short, a problem of developed legal theory, the concept of the power of the sovereign over law and the juridical order.

Progress was made with some simple distinctions about the nature of this power. The pope’s jurisdiction was said to be exercised in a twofold way. There was an exercise which had a recognized and regular place, established by existing law and translated into practice by existing procedures: his ordinary power. There was further his extraordinary power, inhering in him personally and alone, by which—manifestation *par excellence* of sovereign authority—existing law and established procedures might be suspended, abrogated, clarified, or supplemented.

²⁶ “. . . sententiam suam de his quae ad bonum Ecclesiae pertinent sacris Pastoribus manifestent eamque, salva fidei morumque integritate ac reverentia erga Pastores, attentisque communi utilitate et personarum dignitate, ceteris christifidelibus notam faciant.” Can. 212, § 3.

This was the prerogative power of the pope *supra ius*—the plenitude of power seen in its most characteristic juristic form as the right to regulate established legal machinery. *Solutus a legibus*, the absolute ruler might redispense any of the mechanisms of law. In the doing thereof, the plenitude of power was deployed in its most practical form.

Once the *plenitudo officii* had been distinguished from the *plenitudo potestatis* and the *potestas ordinaria* from the *potestas absoluta* (and with these distinctions Hostiensis seems to have made his most individual contribution to the common stock of canonist ideas on papal power), it followed logically that the circumstances in which this power was used *extra ordinarium cursum* should be examined.²⁷

In fact, the ever-deepening understanding of the fullness of power of the Roman Pontiff during the medieval period has led to the ongoing study of the primacy of Peter and of the power connected with it. Any discussion of the matter would be incomplete without taking into account the essential work accomplished by canonists during the Middle Ages.

PLENITUDO POTESTATIS IN THE MAGISTERIUM

The term, fullness of power, was used in the definition of papal primacy at the First Vatican Council. Chapter 4 of the Dogmatic Constitution *Pastor Aeternus*, on the Church of Christ, promulgated on July 18, 1870, reads:

Furthermore, with the approval of the Second Council of Lyon, the Greeks professed that “the holy Roman Church possesses the supreme and full primacy and authority over the universal Catholic Church, which she recognizes in truth and humility to have received with fullness of power from the Lord himself in blessed Peter, the prince or head of the apostles, of whom the Roman pontiff is the successor. And, as she is bound above all to defend the truth of the faith, so too, if any questions should arise regarding the faith, they must be decided by her judgment.”²⁸

The dogmatic definition makes it clear that the fullness of power of the Roman Pontiff is necessary if the Apostolic Faith is to be safeguarded and promoted in the universal Church. Later on in the same chapter of *Pastor Aeternus*, the Council Fathers declare:

²⁷ Watt, 172–73.

²⁸ “Approbante vero Lugdunensi Concilio secundo Graeci professi sunt: ‘Sanctam Romanam Ecclesiam summum et plenum primatum et principatum super universam Ecclesiam catholicam obtinere, quem se ab ipso Domino in beato Petro Apostolorum principe sive vertice, cuius Romanus Pontifex est successor, cum potestatis plenitudine recepisse veraciter et humiliter recognoscit; et sicut prae ceteris tenetur fidei veritatem defendere, sic et, si quae de fide subortae fuerint quaestiones, suo debent iudicio definiri.’” Heinrich Denzinger, *Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals*, ed. Peter Hünermann with Helmut Hoping, ed. Robert Fastiggi and Anne Englund Nash, 43rd ed. [hereafter *DH* followed by paragraph number] (San Francisco: Ignatius Press, 2012), no. 3067.

For the Holy Spirit was not promised to the successors of Peter that they might disclose a new doctrine by his revelation, but rather that, with his assistance, they might reverently guard and faithfully explain the revelation or deposit of faith that was handed down through the apostles. Indeed, it was this apostolic doctrine that all the Fathers held and the holy orthodox Doctors revered and followed, fully realizing that this See of St Peter always remains untainted by any error, according to the divine promise of our Lord and Savior made to the prince of his disciples: "But I have prayed for you that your faith may not fail; and when you have turned again, strengthen your brethren" [Lk 22:32].

Now this charism of truth and of never-failing faith was conferred upon Peter and his successors in this chair in order that they might perform their supreme office for the salvation of all; that by them the whole flock of Christ might be kept away from the poisonous bait of error and be nourished by the food of heavenly doctrine; that, the occasion of schism being removed, the whole Church might be preserved as one and, resting on her foundation, might stand firm against the gates of hell.²⁹

Following the constant understanding of the Church down the centuries, the Council Fathers taught that Petrine primacy and the corollary fullness of power of the Roman Pontiff, instituted by Christ in His constitution of the Church as His Mystical Body, are directed exclusively to the salvation of souls by the safeguarding and promoting of the solid doctrine and sound discipline, handed down in an unbroken line by means of Apostolic Tradition.

Section 22 of the Dogmatic Constitution *Lumen Gentium* of the Second Vatican Ecumenical Council likewise used the expression "fullness of power." Describing the relationship of the College of Bishops to the Roman Pontiff, the Council Fathers declare:

But the college or body of bishops has no authority unless it is understood together with the Roman pontiff, the successor of Peter as its head. The pope's power of primacy over all, both pastors and faithful, remains whole and intact. In virtue of his office, that is, as vicar of Christ and pastor of the whole Church, the Roman pontiff has full, supreme, and universal power over the Church. And he is always free to exercise this power. The order of bishops, which succeeds to the college of apostles and gives this apostolic body continued existence, is also the subject of supreme and full power over the universal Church, provided we understand this body together with its head, the Roman pontiff, and never without this head. This power can be exercised only with the consent of the Roman pontiff. For Our Lord placed Simon alone as the rock and the bearer of the keys of the Church [cf. Mt 16:18-19] and made him shepherd of the whole flock; it is evident, however, that the power of binding and loosing, which was

29 DH 3070-71.

given to Peter [Mt 16:19], was granted also to the college of apostles, joined with its head [cf. Mt 18:18; 28:16–20].³⁰

The distinct office of the Roman Pontiff with respect to the College of Bishops and indeed to the universal Church is described in section 23 of *Lumen Gentium* with these words: “The Roman pontiff, as the successor of Peter, is the perpetual and visible principle and foundation for the unity of the multiplicity of both the bishops and the faithful.”³¹

In an earlier part of the same Dogmatic Constitution, the Council Fathers explain:

This sacred synod, following in the steps of the First Vatican Council, teaches and declares with it that Jesus Christ, the eternal pastor, set up the holy Church by entrusting the apostles with their mission as he himself had been sent by the Father (cf. Jn 20:21). He willed that their successors, the bishops namely, should be the shepherds in his Church until the end of the world. In order that the episcopate itself, however, might be one and undivided he put Peter at the head of the other apostles, and in him he set up a lasting and visible source and foundation of the unity both of faith and of communion.³²

After the symposium entitled “The Primacy of the Successor of Peter,” organized by the Congregation for the Doctrine of the Faith from December 2–4, 1996, the Congregation published certain considerations regarding the subject of the Petrine Office and the power conferred upon it.

Regarding the relationship of the Petrine Office to the office of bishop, the document declared:

All bishops are subjects of the care of all the Churches (*sollicitudo omnium Ecclesiarum*) inasmuch as they are members of the episcopal college which succeeds to the college of the Apostles, of which the extraordinary figure of St Paul was a member. This universal dimension of their *episkopè* (oversight) is inseparable from the particular dimension

30 “Collegium autem seu corpus Episcoporum auctoritatem non habet, nisi simul cum Pontifice Romano, successore Petri, ut capite eius intellegatur, huiusque integer manente potestate Primatus in omnes sive Pastores sive fideles. Romanus enim Pontifex habet in Ecclesiam, vi muneris sui, Vicarii scilicet Christi et totius Ecclesiae Pastoris, plenam, supremam et universalem potestatem, quam semper libere exercere valet. Ordo autem Episcoporum, qui collegio Apostolorum in magisterio et regimine pastoralis succedit, immo in quo corpus apostolicum continuo perseverat, una cum Capite suo Romano Pontifice, et numquam sine hoc Capite subiecutum quoque supremae ac plenae potestatis in universam Ecclesiam existit, quae quidem potestas non nisi consentiente Romano Pontifice exerceri potest. Dominus unum Simonem ut petram et cavigerum Ecclesiae posuit [cf. Mt 16:18–19], eumque Pastorem totius sui gregis constituit [cf. Io 21: 15–19]; illud autem ligandi ac solvendi munus, quod Petro datum est [Mt 16:19], collegio quoque Apostolorum, suo Capiti coniuncto, tributum esse constat [Mt 18:18; 28:16–20].” Second Vatican Council, Dogmatic Constitution on the Church *Lumen Gentium* (November 21, 1964), § 22.

31 “Romanus Pontifex, ac successor Petri, est unitatis, tum Episcoporum tum fidelium multitudinis, perpetuum ac visibile principium et fundamentum.” *Lumen Gentium* 23.

32 *Lumen Gentium* 18.

relative to the offices entrusted to them. In the case of the bishop of Rome—Vicar of Christ in the proper manner of Peter as Head of the College of Bishops—, the care of all the Churches acquires a particular force because it is accompanied by full and supreme power in the Church: a truly episcopal power, not only supreme, full, and universal, but also immediate, over all, both pastors and other faithful. The ministry of the Successor of Peter, therefore, is not a service which reaches each particular Church from outside, but is inscribed in the heart of every particular Church, in which “the Church of Christ is truly present and acts,” and by this carries in itself the opening to the ministry of unity. This interiority of the ministry of the bishop of Rome to each particular Church is also an expression of the mutual interiority between the universal Church and the particular Church.³³

The Petrine office is therefore in its proper essence and in its exercise different from offices of civil government.

The document of the Congregation goes on to explain how the Roman Pontiff carries out his office as a service, that is, in obedience to Christ:

The Roman Pontiff is—as are all the faithful—subject to the Word of God, to the Catholic faith, and is the guarantee of the obedience of the Church and, in this sense, is the servant of the servants (*servus servorum*). He does not decide according to his own will, but gives voice to the will of the Lord who speaks to man in the Scriptures lived and interpreted by the Tradition; in other terms, the *episkopè* of the Primate has the limits which flow from divine law and the inviolable divine constitution of the Church contained in Revelation. The Successor of Peter is the rock who, contrary to arbitrariness and conformism, guarantees a rigorous fidelity to the Word of God: the martyrological character of his primacy follows from this.³⁴

The fullness of power of the Roman Pontiff cannot be properly understood and exercised except as obedience to the grace of Christ the Head and Shepherd of the flock in every time and place.

CANONICAL LEGISLATION

The fullness of the power of the Roman Pontiff is expressed in can. 218 of the 1917 Code of Canon Law, which reads:

§1. The Roman Pontiff, who is the successor of St Peter in the primacy, possesses not only a primacy of honor, but supreme and full power of jurisdiction in the entire Church in matters which belong to faith

33 “Il Primato del Successore di Pietro nel Mistero della Chiesa,” in Congregation for the Doctrine of the Faith, *Documenti (1966-2013)* (Città del Vaticano: Libreria Editrice Vaticana, 2017), pp. 480–81, no. 6; *Communicationes* 30 (1998): 210–11, no. 6.

34 “Il Primato,” p. 481, no. 7; *Communicationes* 30 (1998): 212, no. 7.

and morals as well as in those which pertain to discipline and the government of the Church throughout the world.

§2. This power is truly episcopal, ordinary and immediate over all and each of the churches and over all and each of the pastors and the faithful, and is independent of every human authority.³⁵

What is important to note initially is that the fullness of power is required by the primacy of the Roman Pontiff, which is not merely honorary but substantial, that is, it is required for the fulfillment of the supreme, ordinary, full and universal responsibility of safeguarding the rule of faith (*regula fidei*) and the rule of law (*regula iuris*).

Can. 331 of the 1983 Code of Canon Law contains substantially the same legislation. It reads:

The bishop of the Roman Church, in whom continues the office given by the Lord uniquely to Peter, the first of the Apostles, and to be transmitted to his successors, is the head of the college of bishops, the Vicar of Christ, and the pastor of the universal Church on earth. By virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely.³⁶

The power of the Roman Pontiff is understood from the adjectives which modify it.

It is *ordinary* because it is stably connected to the office of primacy by Christ Himself. It is part of the *ius divinum*. It is a divine disposition.³⁷ It is *supreme*, that is, the highest authority within the hierarchy and not subordinated to any other human power, while it remains always subordinate to Christ alive in the Church through the Tradition guarded and transmitted by the rule of faith and the rule of law. It is *full* in that it is equipped with all the faculties contained in the sacred power to teach, to sanctify, and to govern. It is thus connected with the exercise of the infallible magisterium and with the authentic non-infallible magisterium (cann. 749 §1 and 752), with legislative and judicial power, and with the moderation of the liturgical life and divine worship of the universal Church. It is *immediate*, that is, it may be exercised over the faithful and their

³⁵ “Can. 218. §1. Romanus Pontifex, Beati Petri in primate Successor, habet non solum primatum honoris, sed supremam et plenam potestatem iurisdictionis in universam Ecclesiam tum in rebus quae ad fidem et mores, tum in iis quae ad disciplinam et regimen Ecclesiae per totum orbem diffusae pertinent. § 2. Haec potestas est vere episcopalis, ordinaria et immediata tum in omnes et singulas ecclesias, tum in omnes et singulos pastores et fidelis a quavis humana auctoritate independens.” English translation: John A. Abbo and Jerome D. Hannan, *The Sacred Canons: A Concise Presentation of the Current Disciplinary Norms of the Church* (St Louis, MO: B. Herder Book Co., 1952), vol. 1, p. 281.

³⁶ “Can. 331. Ecclesiae Romanae Episcopus, in quo permanet munus a Domino singulariter Petro, primo Apostolorum, concessum et successoribus eius transmittendum, Collegii Episcoporum est caput, Vicarius Christi atque universae Ecclesiae his in terris Pastor; qui ideo vi muneris sui suprema, plena, immediata et universali in Ecclesia gaudet ordinaria potestate, quam semper libere exercere valet.” English translation: Canon Law Society of America, *Code of Canon Law: Latin-English Translation* (Washington, DC: Canon Law Society of America, 1998).

³⁷ Cf. cann. 131 §1, and 145 §1; and “Nota Explicativa Praevia” of *Lumen Gentium*.

pastors wherever and without condition, and it is *universal*, that is, it extends to the entire ecclesial community, to all the faithful, to the particular Churches and their congregations, and to all of the matters which are subject to the jurisdiction and responsibility of the Church.

What is evident in the canonical legislation is that “the pope does not exercise the power connected to his office when he acts as a private person or simple member of the faithful.”³⁸ Evidently, too, given the supreme character of the fullness of power entrusted to the Roman Pontiff, he does not have an absolute power in the contemporary political sense and, therefore, is held to listen to Christ and to His Mystical Body the Church. In the words of the considerations offered by the Congregation for the Doctrine of the Faith in 1998:

To listen to the voice of the Churches is, in fact, a proper characteristic of the ministry of unity, also a consequence of the unity of the episcopal body and of the *sensus fidei* of the entire People of God; and this bond appears substantially endowed with greater force and certainty than juridical instances—a moreover inadmissible hypothesis because of lack of foundation—to which the Roman Pontiff would have to respond. The final and binding responsibility of the Roman Pontiff finds its best guarantee, on the one hand, in its insertion in the Tradition and in fraternal communion and, on the other hand, in the assistance of the Holy Spirit Who governs the Church.³⁹

As one canonist comments on the fullness of the power of the pope:

Without doubt, the end and the mission of the Church indicate well-articulated limits which are not of easy juridical formulation. But if we would wish juridical formulations, we could say that these limits are those that the divine law, natural and positive, establishes.

Above all, the pope has to exercise his power in communion with the whole Church (c. 333, §2). Wherefore, these limits stand in relationship with the communion in the faith, in the sacraments, and in ecclesiastical governance (can. 205). The pope has to respect the deposit of faith—he holds the authority to express the Credo in a more adequate manner but he cannot act contrary to the faith; he has to respect all and each of the sacraments—he cannot suppress nor add anything that goes against the substance of the sacraments; and, finally, he has to respect the ecclesial rule of divine institution—he cannot prescind from the episcopate and has to share with the College of Bishops the exercise of the full and supreme power.⁴⁰

38 “. . . el Papa no ejercita esta potestad aneja a su oficio cuando actúa como persona privada o como simple fiel.” Eduardo Molano, “Potestad del Romano Pontífice,” *Diccionario General de Derecho Canónico*, vol. VI (Cizur Menor [Navarra]: Editorial Aranzadi, SA, 2012), 304. English translation by author.

39 “Il Primato,” p. 483, no. 10; *Communications*, 213.

40 Molano, “Potestad del Romano Pontífice,” 306.

CONCLUSION

It is my hope that these reflections which are initial in character and require much further elaboration will help you to understand the necessity and the subtlety of the fullness of the power of the Roman Pontiff for the safeguarding and promoting of the good of the universal Church. According to Sacred Scripture and Sacred Tradition, the Successor to St Peter has power which is universal, ordinary, and immediate over all the faithful. He is the supreme judge of the faithful, over whom there is no higher human authority, not even an ecumenical council. To the pope belongs the power and authority to define doctrines and to condemn errors, to make and repeal laws, to act as judge in all matters of faith and morals, to decree and inflict punishment, to appoint and, if need be, to remove pastors. Because this power is from God Himself, it is limited as such by natural and divine law, which are expressions of the eternal and unchangeable truth and goodness that come from God, are fully revealed in Christ, and have been handed on in the Church throughout time. Therefore, any expression of doctrine or law or practice that is not in conformity with Divine Revelation, as contained in Sacred Scripture and the Church's Tradition, cannot be an authentic exercise of the Apostolic or Petrine ministry and must be rejected by the faithful. As St Paul declared: "There are some who trouble you and want to pervert the gospel of Christ. But if we, or an angel from heaven, should preach to you a gospel contrary to that which we preached to you, let him be anathema" (Gal 1:8).

As devout Catholics and servants of the Church's discipline, we must in all things teach and defend the fullness of the power with which Christ has endowed His Vicar on earth. At the same time, we must teach and defend that power within the teaching and defense of the Church as the Mystical Body of Christ, as an organic body of divine origin and divine life. I conclude with the words of Gratian:

Let no mortal being have the audacity to reprimand a pope on account of his faults, for he whose duty it is to judge all other men cannot be judged by anybody, unless he should be called to task for having deviated from the faith.⁴¹

⁴¹ "Huius culpas istic redarguere presumit mortalium nullus, quia cunctos ipse iudicaturis a nemine est iudicandus, nisi deprehendatur devius; pro cuius perpetuo statu uniuersitas fidelium tanto instantius orat, quanto suam salutem post Deum ex illius incolumitate animaduertunt propensius pendere." *Decretum Magistri Gratiani. Concordia Discordantium Canonum*, 1a, dist. 40, c. 6, Si papa; Item ex gestis Bonifacii martyris. Gratian, *Decretals*, 1a, dist. 40, c. 6, Si papa; ex gestis Bonifacii martyris.

The Hyperpapalist Claims of Pope St Gregory VII¹

PHILLIP CAMPBELL

IN LIGHT OF THE UNPRECEDENTED CENTRALIZATION of authority under the Francis pontificate, discussions on the extent of papal power take on a fresh urgency. What is in question is not so much the pope’s doctrinal authority as the breadth of his disciplinary power. The novelties of the Francis pontificate have seemingly placed every Catholic discipline on the table. Could the pope, for example, dispense the entire Church from the Lenten fast? Could he add a clause to the Our Father? Or change the liturgical colors of the seasons? Questions of these sorts used to be academic thought exercises for manualists, hypotheticals discussed by scholastic specialists; now they are frighteningly relevant scenarios as the entire Church huddles in trepidation, waiting to see what our pope feels the God of Surprises wants to foist upon the Church from day to day.

There have been some excellent traditional responses to the dilemma of “hyperpapalism.” I would like especially to cite Peter Kwasniewski’s two-volume set *The Road from Hyperpapalism to Catholicism*, as well as the lecture “The Pope’s Boundedness to Tradition as a Legislative Limit” by the same author. Mention also must be made of Dr John Joy’s excellent book *Disputed Questions on Papal Infallibility*. These and other works of this nature are of great utility in understanding the theoretical limits of papal authority.

THE PAPACY AND HISTORICAL PRECEDENT

In the realm of history, however, the problem has always been more muddled. Of course, the institution of the papacy came with no written constitution of clearly enumerated powers; Christ gave no dogmatic handbook when He handed St Peter the keys of the kingdom. How, then, did the papacy delineate the scope of its actions?

Historically, papal power grew from implied authority, concretized in particular historical circumstances that established precedents. The popes preferred precedent to theory when defining the contours of their authority. That is to say, when the popes wanted to justify their authority at various junctures, their preferred approach was not an appeal to arguments dogmatic or theological (beyond the common Scriptural citations), but rather to examples historical, essentially saying, “I can

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do such-and-such because here's some concrete examples of my predecessors doing the same thing." When King Henry VIII made the theological objection that the pope could not dispense a man to marry his brother's widow, one of the weightiest rebuttals of Queen Catherine's defenders, such as St John Fisher, was simply to point out historical examples where prior popes had done just that.² When papal prerogatives were challenged, we could say that precedent took precedence.

But precedent also allowed room for development. Popes have traditionally pushed the boundaries, using one inherited precedent to build upon another in the expansion of authority. An excellent example is the case of the pallium, the woolen garment bestowed by the pope upon a metropolitan archbishop. The pallium was originally a sign of honor given by a pope to a newly consecrated archbishop. But over time it came to represent the archepiscopal office itself, and then finally to *confer* the archepiscopal office, such that an archbishop was not considered installed until he received the pallium from the pope. This fascinating development is well documented in Steven Schoenig's *Bonds of Wool: The Pallium and Papal Power in the Middle Ages*.³

The primacy of precedent in the development of papal authority simply means that *the strongest argument that the popes can do something is the fact they have done something*.

Thus, like the old Roman god Janus, the papacy looks backward and forward in wielding power: it looks backward to precedent to find stable footing for its current actions, and it looks forward by pushing its inherited precedential boundaries, thus expanding the scope of action for future popes.

Here it is critical to note an important caveat: the growth in papal power, *contra* the claims of the Greek schismatics, was in large part to *counter* the ecclesiastical assertions of the eastern and (later) western Roman emperors promoting heresy or caesaropapist ambitions by making the bishops into government bureaucrats. Each individual precedent must be evaluated separately according to its historical circumstances. As a result, Catholic history smiles upon the courage of Pope St Gregory VII and Innocent III in growing papal power, even as it frowns upon the unjust excommunications decreed by Martin IV and Boniface VIII. But even this summarization is much too simplistic, as we'll see presently.

Does history offer nothing but bad news for traditionalists seeking to push back against the brute force of papal absolutism? Where does it leave us in the face of a pope determined to wield his authority to impose every manner of crude novelty on the Church?

Precedent is a two-sided coin. On the one hand, the tremendous danger is obvious. If the Church meekly accepts the expansion of authority accomplished under Francis, then this will create a precedent for future popes to claim these powers as

² See J. J. Scarisbrick, *Henry VIII* (Los Angeles: University of California Press, 1970), 177–78. Popes Martin V, Alexander VI, Leo X, and even Clement VII himself had done the same on other occasions.

³ Washington, DC: Catholic University of America Press, 2016.

part of the legislative patrimony of the Petrine office. It leaves the door open for future pontificates to reorder every facet of Catholic life according to whatever fads are popular at the time. In short, as awful as it is that Pope Francis should presume to outlaw the traditional Roman Rite, subvert religious orders' autonomy, or sack bishops as if they are corporate middle managers, the long-term threat is that such deeds enter the stream of papal precedent—that a kind of historical consensus sprouts up that these are actions proper to papal governance itself.

But now, the other side of the coin: though papal power has grown by appeal to precedent, there have been occasions where papal overreach has failed to become precedent due to stiff resistance. Let us consider one of the examples from above to demonstrate the complexity of the historical precedents.

THE CASE OF POPE ST GREGORY VII

Pope St Gregory VII (1073–1085) is appropriately lauded for his courage against the Holy Roman Emperor. We rightly praise the Gregorian Reform as the Church's pushback against the abuse of lay investiture and the tyranny of the Holy Roman Emperors over the papacy. What we often forget, however, is that the reforms of Gregory VII were not simply meant to free the Church from lay tyranny; Gregory's philosophy envisioned an inversion of the entire relationship between the spiritual (clerical) and temporal (lay) powers within Christendom, substituting imperial dominance of the Church with clerical dominance over the empire.⁴

In pursuit of this, Gregory promoted ideas that even the most ardent hyperpapalists today would shrink from. We need only look at the Gregorian document *Dictatus Papae* (1075) which claimed, among other things, that the pope was *de facto* a saint by the grace of the Petrine office, that he had the right to use the imperial insignia, that he possessed unilateral authority to depose any bishop and to divide or combine dioceses at will.⁵ While the authorship of *Dictatus Papae* is uncertain, all historians agree that it is a Roman document dating from the Gregorian period, and thus represents ideas circulating among the Gregorian reformers, even if it is not the literal writing of Pope Gregory VII.

A follow-up to *Dictatus Papae* was *Propriae auctoritates apostolicae sedis*.⁶ Issued sometime prior to 1085, this document argued that even if the pope apostatized and renounced the Christian faith entirely, he would not be liable to any judgment.⁷

4 See Jacques Le Goff, *Medieval Civilization*, trans. Julia Barrow (Oxford: Blackwell Publishers, 1999), 96–97; 271: “This is an essential aspect of the Gregorian Reform—it proclaimed itself to be the head of the lay as well as of the religious hierarchy.”

5 The holiness of the pope by virtue of the Petrine office is also reaffirmed in Gregory VII's Letter to Hermann of Metz, *Registrum*, Bk. 8, Letter 21, as found in *The Correspondence of Pope Gregory VII*, translated with an introduction by Ephraim Emerton (New York: W. W. Norton & Company, 1969), 166–75.

6 For a synopsis of *Propriae auctoritates apostolicae sedis*, see my essay of the same name at *Unam Sanctam Catholicam*, April 15, 2012, <http://unamsanctamcatholicam.blogspot.com/2012/04/propriae-auctoritates-apostolicae-sedis.html>.

7 Gregory VII, *Propriae auctoritates apostolicae sedis*, no. 7. The text may be found in a German-language work by Hubert Mordek, “Proprie auctoritates apostolice sedis. Ein zweiter Dictatus Papae Gregors VII?,” *Deutsches Archiv für Erforschung des Mittelalters* 28 (1972): 105–32, trans. by T. Reuter.