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Integrating the Papacy: Papal Infallibility and a Synodal Church

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Abstract

One of the most enduring criticisms of papal infallibility is that it seems to set the pope apart from the Church. Much has already been done to correct this impression, but the current ‘synodal moment’ offers a unique opportunity to substantially further this ecclesiological integration. Along such lines, the present article first proposes that the teachings on infallibility in *Lumen gentium* be read through the chapter on the People of God (LG25 through LG12), thereby treating the pope as a member of the faithful and drawing out the charismatic dimension of infallibility. The article then pivots to exploring the widely overlooked Eastern Catholic reception of Vatican I. Specifically, it details the dogmatic importance of a clause added to *Pastor aeternus* by two patriarchs as part of their conditional acceptance – something drawing from a deeper tradition of synodal examination of papal teaching. These two sections converge to reveal a more synodal infallibility at the level of initial discernment and reception. More so, these genuinely synodal elements of papal infallibility are discovered as existing *within* the previous tradition. Elements that, going forward, can fruitfully be given a new hermeneutical priority.

Keywords: Eastern Catholic; infallibility; papacy; prophecy; synodality

There is something so seemingly outrageous about the claim of papal infallibility, something so entirely opposed to all reasonableness, that immediately captures the attention of everyone who comes across it. For many, it is as though it symbolically sums up everything wrong with Rome and the claims those in it make about themselves. Back in the nineteenth century, the great Slavophile thinker Aleksei Khomiakov, to whom we largely owe the ecclesiological concept of *sobornost* (a concept which has clear resonances with synodality), objected that such claims meant that, rather than proclaiming that which the whole Church teaches, the papacy was raising itself above the Church.¹ Nearly identical objections were made by Catholic bishops during

¹Aleksei Stephanovich Khomyakov, ‘On the Western Confessions of Faith’, in *Ultimate Questions: An Anthology of Modern Russian Religious Thought*, ed. by Alexander Schmemmann (Crestwood: St Vladimir’s

the discussion at the First Vatican Council. Infallibility, as presented in the text, they argued, seemed to set the pope apart. It appeared to place him above the other bishops, to make no mention of the wider faithful. So far above, indeed, it seemed he was no longer connected with the Church. And the word ‘*separate*’ became a favoured expression. If this was the impression when they still anticipated the council would produce its document on the Church, how much more was this impression magnified by the council being suspended before it could do so. The teaching on the papacy had originally been a single chapter in the schema on the Church. *Pastor aeternus*, the document that chapter evolved into, literally – in a textual sense – presented the pope as separate. We can thus easily understand John Henry Newman’s hope that, I quote, ‘a new Pope, and a reassembled Council may trim the boat’.² Though there have been subsequent developments to better integrate the papacy, Vatican II’s teaching on collegiality being a notable achievement, the problem is yet to be entirely resolved.³

‘Synodality’ is today a word well established within the Catholic theological lexicon. It was not always so. The first Vatican sponsored document on synodality, ‘Synodality and Primacy During the First Millenium’, produced by the Joint International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Church, was released as late as 2016. ‘Synodality’, this text plainly states, ‘is inseparably linked with primacy’ (§20).⁴ It would be remiss, then, were the synodal moment currently taking place not accompanied by a serious re-examination of the particular problem of a seemingly solitary infallibility.

Synodality does not have just one meaning, and certain terms, such as ‘synodal style’, are deliberately loosely defined. However, ‘Synodality and Primacy During the First Millennium’ offers the following definition:

[synodality] comes from the word ‘council’... which primarily denotes a gathering of bishops, under the guidance of the Holy Spirit, for common deliberation and action in caring for the Church. Broadly, it refers to the active participation of all the faithful in the life and mission of the Church. (§3)

Seminary Press, 1977), pp. 31–69. The spelling of his name in the main text above takes the one today more common. Khomiakov would directly influence almost every major twentieth century Orthodox theologian on this area.

²*The Letters and Diaries of John Henry Newman. Volume XXV*, ed. by Charles Stephen Dessain and Thomas Gornall (Oxford: OUP, 1973), p. 310.

³Something directly recognized by the Dicastery for Promoting Christian Unity’s recent document *The Bishop of Rome: Primacy and Synodality in the Ecumenical Dialogues and in the Responses to the Encyclical Ut Unum Sint* (13 June 2024). <http://www.christianunity.va/content/dam/unitacristiani/Collezione_Ut_unum_sint/The_Bishop_of_Rome/The%20Bishop%20of%20Rome.pdf> [accessed 19 July 2024].

⁴Joint International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Church, *Synodality and Primacy During the First Millenium: Towards a Common Understanding in Service to the Unity of the Church* (21 September 2016). <<http://www.christianunity.va/content/unitacristiani/en/dialoghi/sezione-orientale/chiese-ortodosse-di-tradizione-bizantina/commissione-mista-internazionale-per-il-dialogo-teologico-tra-la/documenti-di-dialogo/testo-in-inglese1.html>> [accessed 29 April 2024]. The precise relationship between primacy and infallibility, though important, is beyond the scope of this particular essay and will not be directly explored in what follows.

This provides a useful framework through which the present paper will attempt its synodal reconfiguration. Papal infallibility will be explored first with regard to synodality in the sense of the active participation of all the faithful. Then, it will be explored with regard to more formal deliberation and decision making. In the first instance, this will be done through looking at the idea that infallibility is a charism. In the latter, through exploring the theological implications regarding the way some Eastern Catholic Churches received Vatican I. These are two areas that have tended to be overlooked. Neither charisms, nor the plight of the Eastern Catholic Patriarchs, appear in the late John O'Malley's 2018 book *Vatican I: The Council and the Making of an Ultramontane Church*, for example.⁵ These seemingly disparate topics, however, provide a new (and substantially converging) perspective on the teaching on papal infallibility, as I hope to have evidenced by the end of this paper.

There has been much work in recent years showing the synodal manner in which doctrinal and dogmatic teaching emerges. This, as the International Theological Commission's document on the *sensus fidei* puts it, banishes a 'strict separation between the teaching Church (*Ecclesia docens*) and the learning Church (*Ecclesia discens*)'.⁶ The effects of which can be seen in the consultation that marked the first stage of the Synodal process. The proposals in the present paper, however, intend to draw out synodality on the other side; at the most initial and fundamental level of discernment and reception. Through these, it shall be tentatively suggested, papal infallibility (and the papacy in general) can be better understood *within* the communal web that makes up the Church, and thereby be still more fully theologically integrated within the whole.

1. Papal infallibility and the active participation of all the faithful

One little-discussed element of the pre-Vatican I ultramontane theological tradition is how infallibility was often understood as a charism – even, sometimes, as a prophetic charism. This was usually used to emphasise the supernatural dimension to infallibility, and thus downplay (or even remove) all human limits on its exercise. For a late example that leans in this direction, one needs to look no further than the 20 June 1870 speech at Vatican I by Bishop D'Avanzo, ghost-written by the noted Jesuit theologian, Johann Baptist Franzelin. This speech was a response to the famous intervention outlining moderate infallibilism presented by the Dominican Cardinal, Filippo Maria Guidi, two days earlier. After disputing Guidi's thesis, in part precisely through an appeal to a theology of charisms, the D'Avanzo speech proceeded to articulate one of the most striking expressions of ultramontane papology heard on the council floor:

let the glorious standard be raised in the Vatican, the standard of the supernatural order by defining the infallibility of the Pope, for then all nations will know

⁵John W. O'Malley, *Vatican I: The Council and the Making of an Ultramontane Church* (London: Harvard University Press, 2018). There has been work published in English that takes the Eastern Catholics into account, for example Edward G. Farrugia, 'Vatican I and the Ecclesiological Context in East and West', *Gregorianum*, 92 (2011), 451–69, but this is rare.

⁶International Theological Commission, *Sensus Fidei in the Life of the Church* (17 March 2014). <https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20140610_sensus-fidei_en.html> [accessed 29 April 2024].

that the Pope is a kind of incarnation of the supernatural order... So in the Pope teaching about the faith let the nations themselves see the supernatural order, and through the supernatural order let them see Christ the Lord himself, who for this very reason will be *in the Pope and with the Pope and through the Pope in all things and with respect to all things*, and *through this* will be in all and above all Christ who conquers, Christ who reigns, Christ who rules, and they will say: therefore may Jesus Christ be praised.⁷

The objectionable element of this is not so much that Colossians 3:11, which exhibits arguably the highest Christology in the entire New Testament, is being applied to the Church, but that it is being applied to a single office holder. Greeted with this, one cannot help but feel that, for all the problems with his attack on this aspect of Catholic teaching, Hans Küng was onto something when he noted that infallibility – as a one-man system – seems to have almost nothing in common with the Pauline understanding of the charisms.⁸

The charismatic categorization is underappreciated however, not because it was used to support such extreme views, but because *Pastor aeternus*, which dogmatically defined papal infallibility, actually incorporated such language: ‘Now this charism [*charisma*] 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...’⁹ The charism language was re-affirmed by *Lumen gentium*, whose teaching on papal infallibility is (interestingly) located within that section of the schema outlining the way the hierarchy share Christ’s prophetic office (LG25).

One of the most important ecclesiological developments at the Second Vatican Council was how, when revising the Dogmatic Constitution on the Church, the decision was made to create a chapter on the People of God that would be placed before the chapters on hierarchy and laity. This did not result in the immediate writing of much new material, as the papers (now safely archived) of those who implemented the change reveal, but it effected the entire way the latter chapters are read. Gerard Philips, the assistant secretary of the Doctrinal Commission and the main editor of *Lumen gentium*, explained that the text now took on a four times two structure. As one commentator elucidates, ‘the chapters on the mystery of the Church (chapter one) and the people of God (chapter two) consider the Church as a theological salvation-historical mystery, after which the chapters on the hierarchy (chapter three) and the

⁷*Sacrorum Conciliorum, nova et amplissima collection*, vol. 52, ed. by Giovanni Domenico Mansi (Arnhem-Leipzig, 1927), pp. 760–67 at p. 767. Translation by Keith Barltrop and Matthew Gaetano. One remembers the discussion of such strong statements in Yves Congar, *I Believe in the Holy Spirit. Volume 1* (New York: Crossroads Publishing, 1997), p. 161.

⁸‘The New Testament does not know of any one-man system... No one, not even a bishop, not even a pope—according to Paul—can be everything’. Hans Küng, *Infallible? An Enquiry* (New York: Doubleday & Company, 1971), p. 230. Even the basic idea that there could be a ‘sure charism of truth’ given to Peter and his successors is described as ‘scarcely intelligible in light of the Pauline doctrine of the charisms’. *Ibid.*, p. 143.

⁹*Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals*, 43rd edn, ed. by Heinrich Denzinger, Peter Hünermann, Robert Fastiggi, and Anne Englund Nash (San Francisco: Ignatius Press, 2012), p. 3071.

laity (chapter four) focus on the concrete shape that this mystery takes'.¹⁰ In other words, the later chapters unpack, as relates to hierarchy or laity, the themes in the earlier chapters. Because of this, later chapters in the schema should be read through the earlier treatment of the same themes. That is to say, *Lumen gentium's* teaching on infallibility – placed, as it is, within that section dealing with how the hierarchy share in Christ's prophetic office – should be read through the passage on the prophetic office appearing in the chapter on the People of God, thereby placing the pope, with all his prerogatives, within the context of the wider Christian community. This must be done. For to do otherwise would be to treat him as though he were, indeed, separate. *Lumen gentium* 25 should thus be read through *Lumen gentium* 12, and, therefore, papal infallibility should be read through the *sensus fidei* and the charisms of the faithful. Indeed, the suggestion to move the charisms to the chapter on the people of God was made by Gustave Thils, who in a letter to Philips wrote that doing so was important, precisely to 'bring the hierarchy back within the People of God, and so to deal with the charisms of everyone'.¹¹

Thus, rather than rejecting infallibility for not obviously conforming to the Pauline understanding of the charisms, as Küng did, we are instead invited to wonder how infallibility might look were we to understand it as a charism in the much more Pauline sense found in article twelve. Doing so begins to quite notably shift how infallibility appears. Furthermore, when we take the theology of charisms present in *Lumen gentium* and return to Vatican I to see whether this reading is tenable, certain elements in the formation of *Pastor aeternus* are (perhaps surprisingly) discovered to have clear resonance. This is something previously discussed in my earlier article 'The Charism of Infallibility' recently published in the journal *Ecclesiology*.¹² But, while building upon that research, here we can focus on the slightly different point that it also helps identify a latent tension between the logics of law and grace that exists within Vatican I's own presentation.

In the common reading of papal infallibility, which carefully speaks about conditions that must be fulfilled, the legal dimension is clearly stressed. Infallibility is a power of the pope that he can exercise when he decides to fulfil certain canonical requirements. It is a legal act, and when exercised, the resulting teaching is judicially irreformable. With a new-charismatic reading, on the other hand, we notice how in Bishop Vincent Gasser's famous quasi-official explanation of infallibility given at Vatican I (a text cited more times by *Lumen gentium* than *Pastor aeternus*), and which drew directly from both Franzelin and the moderate presentation of Guidi (research by Ulrich Horst examining Gasser's papers revealed an explicit intention on Gasser's

¹⁰Jos Moons, 'The Holy Spirit Leads the Church through Charismas (LG 12). The Conciliar Doctrine of the Charismas and its Significance for the Laity's Active Involvement in the Church', in *The Letter and the Spirit: On the Forgotten Documents of Vatican II*, ed. by Annemarie C. Mayer (Leuven: Peeters, 2018), pp. 233–45 at p. 240.

¹¹Center for the Study of the Second Vatican Council, Maurits Sabbe Library (Leuven, Belgium). Philips Archive no.785. Letter dated 29 June 1963.

¹²John Stayne, 'The Charism of Infallibility: Re-Receiving *Pastor aeternus'* Teaching on Papal Infallibility in Light of *Iuvenescit Ecclesia's* Teaching on Charismatic Gifts', *Ecclesiology*, 19 (2023), pp. 70–92.

part to incorporate key aspects of Guidi's speech), the grace of infallibility is *not habitual*. It is a transient grace given to the pope in the moment of the definition.¹³ This non-habitual understanding is the teaching of Vatican I, as is recognized by multiple commentators including Jean-Pierre Torrell, Killian McDonnell, and Gustave Thils.¹⁴ It seems worth remembering, in this moment, Thomas Aquinas' treatment on prophecy:

Now none can take to prophecy when he wills ... prophecy is not a lasting disposition [*non est habitus*] ... prophetic light does not inhere in the mind of a prophet as a permanent form – for then the prophet would always have the faculty of prophesying, which is patently false ... It remains then that prophetic light inheres in the soul of a prophet by way of a transient passion or impression.¹⁵

There is a notable analogy here, then, with the way infallibility was spoken about. But the passage also points to something not usually accounted for in the ultramontane employment of charism theology – *grace comes with its own limits*. The fact that the grace of infallibility, like prophecy, is not habitual, suggests, again like prophecy, that a pope cannot take to infallibility whenever he wills. Instead, it suggests he can exercise it only in that moment when the Spirit has given it. For the Spirit's charismatic distribution cannot be compelled. John Paul II, speaking on the charisms, once noted: 'Certainly, the Spirit "blows where he wills", and one can never expect to impose regulations and conditions on Him'.¹⁶ Understanding the grace of infallibility in such a sense would clearly be in tension with the canonical understanding just outlined. *But such a tension was not explored or resolved by Vatican I.*

The two elements each have notably different implications regarding how we understand the way the Church responds to apparently infallible papal teaching. When emphasising the legal dimension things appear straight forward: the pope has defined *ex cathedra* and everyone simply accepts. All that matters is whether the pope has fulfilled the canonical conditions, a fact that is apparently a priori verifiable. When he has, the consent of the Church is legally compelled. But the situation begins to look quite different when infallibility is treated as a charism. For, as both scripture and official-magisterial teaching consistently bear witness to, charisms are discerned. Hence, we come to the second element within *Lumen gentium* 12 through which infallibility should be read: the *sensus fidei*. For even at Vatican I, the *theological* reason given

¹³Vincent Ferrer Gasser, *The Gift of Infallibility: The Official Relatio on Infallibility of Bishop Vincent Ferrer Gasser at Vatican Council I*, trans. by James T. O'Conner (San Francisco: Ignatius Press, 2008), pp. 46–47. Domenico Massimino notes that much is taken 'almost verbatim' from what Franzelin had prepared, particularly when dealing with the subject and object of infallibility. Domenico Massimino, 'L'apporto del Franzelin alla stesura della Pastor aeternus e al dibattito sull'infalibilita', *Ho Theologos*, 9 (1991), 57–94 at 182–88. For the influence of Guidi see Ulrich Horst, *Unfehlbarkeit und Geschichte: Studien zur Unfehlbarkeitsdiskussion von Melchior Cano bis zum I. Vatikanischen Konzil* (Mainz: Grünewald, 1982), p. 205 n.112.

¹⁴Killian McDonnell, 'Infallibility as Charism at Vatican I', *One in Christ*, 15 (1979), 21–39; Jean-Pierre Torrell, 'L'infalibilit  pontificale est-elle un privilege "personnel"?', *Revue de Sciences Philosophiques et Th ologiques*, 45 (1961), 229–45; Gustave Thils, *Primaut  et infailibilit  du pontife romain   Vatican I: et autres  tudes d'eccl siologie* (Leuven: Leuven University Press, Peeters, 1989).

¹⁵Thomas Aquinas, *Summa Theologiae*, Vol.45: *Prophecy and Other Charisms (2a2ae.171-8)* (Cambridge: Cambridge University Press, 2006), pp. 8–11.

¹⁶John Paul II, *Udienza Generale* (9 March 1994). <http://www.vatican.va/content/john-paul-ii/it/audiences/1994/documents/hf_jp-ii_aud_19940309.html> [accessed 29 April 2024].

for why an *ex cathedra* definition is accepted by the Church was *not* that the faithful see that canonical clauses have been appropriately met. The reason why, to quote *Lumen gentium* ‘the assent of the Church can never be wanting’ (LG25) to a teaching of this kind, is because the Church, assisted by that same Holy Spirit, recognizes her own faith within it. The same Spirit who assists the teaching, assists the reception. The ecclesial embrace, then, is a Pneumatological and prophetic process. The International Theological Commission’s document on the *sensus fidei* makes precisely this point:

‘Beloved, do not believe every spirit, but test the spirits to see whether they are from God; for many false prophets have gone out into the world’ (1Jn 4:1). The *sensus fidei fidelis* confers on the believer the capacity to discern whether or not a teaching or practice is coherent with the true faith by which he or she already lives. If individual believers perceive or ‘sense’ that coherence, they spontaneously give their interior adherence to those teachings... (§61)

So, on the one hand, elements of *Pastor aeternus* imply acceptance happens due to the recognition that canonical conditions have been fulfilled, almost without reference to the content of the actual teaching. On the other, the theological explanation of what happens suggests that there is an internal (Pneumatically assisted) recognition of authentic faith within the teaching, almost without the canonical dimension being referenced.

To make this clearer still, let us look at how these two possible readings play out regarding non-reception of teaching that appeared, in an a priori way, to have fulfilled the conditions for infallibility. With the canonical emphasis, ecclesial non-reception would simply be understood as an act of disobedience. With the charismatic emphasis, however, persistent non-reception would start to raise questions as to whether the teaching was authentically charismatically assisted by the Holy Spirit *in the first place*. If the same Spirit guarantees both the teaching and the reception, then absence of the latter cannot but raise questions about the former. In 1977, Bishop Christopher Butler, who had attended Vatican II as the Abbot President of the English Benedictine Congregation, stressed the same point still more strongly: ‘a genuine *ex cathedra* definition will always be received by the Church with the assent of faith. It follows, of course, though Vatican II does not say so, that if a definition failed in the end to enjoy such a “reception” on the part of the Church, this would prove that the definition had not in fact met the stringent requirements for an *ex cathedra* pronouncement’.¹⁷

So, these two elements – the canonical and the charismatic – exist alongside one another in the teaching of Vatican I (and Vatican II). There is an unresolved tension *within* the official-magisterial presentation. It has been there from the beginning and is only furthered by subsequent doctrinal developments. Given this, any reading of infallibility must select which features are to be given hermeneutic priority. This, as we are all aware, has usually been done in the direction of the canonical. And yet, Vatican II stressed the point that grace is more ecclesiologically fundamental than law. And, as Paul VI later noted, “‘Spirit’ and ‘Law’ in their very source form a union in

¹⁷Christopher Butler, ‘Authority in the Church’, *The Tablet* (21 May 1977), pp. 477–80 at p. 479.

which the spiritual element is dominant'.¹⁸ Does this not invite a new perspective? Does it not suggest that the solution must be instead to emphasise the charismatic over the canonical? This would not mean abandoning the legal element altogether, but it would mean giving it its proper place. As John Paul II noted in that Bull through which he promulgated the new Code of Canon Law, while law is important, we must assign 'the primacy to faith, grace and the charisms'.¹⁹

The new-charismatic reading, then, can probably begin to take on greater importance. In emphasising certain aspects within Vatican I and de-emphasising others, this process offers a 'combination of continuity and discontinuity at different levels' (to borrow the expression of Pope Benedict).²⁰ It also offers an infallibility more integrated. The pope's location *within* the people of God is stressed. The greatest theological symbol of papal power is discovered to be a charism among other charisms, and one whose authenticity is discerned from within rather than imposed from without.

2. Papal infallibility and structures for synodal deliberation

Almost entirely absent from the general consciousness regarding Vatican I is how, concurrent with that council, the Vatican was attempting to suppress the right of the Eastern Catholic Churches to appoint their own bishops. The 1867 Papal Bull *Reversurus*, released just two years before the opening of Vatican I, forcibly imposed upon the Armenian Catholic Church the Latin standards for electing bishops – something that eventually caused a schism. Especially objectionable to the Vatican, at this time, was the role the laity had in these processes. It was an attack, therefore, on what we might now see as a particularly developed expression of structural synodality. The Melkites and Maronites resisted similar impositions through playing for time, but the plan was to eventually apply Roman uniformity in these matters to all Eastern Catholic Churches. In the run up to the council, Patriarch Gregory II Youssef of the Melkite Catholic Church had become convinced that, to quote Constantin Patelos, 'Rome was aiming for the destruction of the ancient patriarchal privileges'.²¹

This was not some overly paranoid reading of the situation. Mere months before the opening of the Council, the bull *Cum ecclesiastica disciplina* was released, likewise extending Latin rules to the Chaldean Catholic Church. In one of the most unsavoury moments of this affair, the elderly Chaldean Patriarch Joseph VI Audo, following a speech at Vatican I in which he noted that the popes themselves had repeatedly promised the preservation of the patriarchal privileges, was immediately summoned to the papal apartments and was forced to subscribe then and there to the changes

¹⁸Paul VI, 'Address to Participants in second Congress of Canon Law 17 September 1973', *L'Osservatore Romano* (English edition) (4 October 1973), p. 12.

¹⁹John Paul II, *Sacrae Disciplinae Leges* (1983). <https://www.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_25011983_sacrae-disciplinae-leges.html> [accessed 16 April 2024].

²⁰Benedict XVI, *Address of His Holiness Benedict XVI to the Roman Curia Offering Them His Christmas Greetings* (22 December 2005). <https://www.vatican.va/content/benedict-xvi/en/speeches/2005/december/documents/hf_ben_xvi_spe_20051222_roman-curia.html> [accessed 29 April 2024]. It is also, as with religious liberty (which Benedict spoke about in this address), a recovery of a deeper, more ancient, Christian teaching.

²¹Constantin G. Patelo, *Vatican I et les évêques uniates: Une étape éclairante de la politique romaine à l'égard des orientaux, 1867-1870* (Louvain-la-Neuve: Collège Érasme), p. 71.

under threat of deposition. In a diplomatic letter from the French ambassador back to the Holy See to his Minister of Foreign Affairs, the author relates how:

The Melkite Greek patriarch [Youssef] came to tell me with great emotion about this regrettable episode. Threatened like the other heads of the Eastern Churches, he declared to me that he was firmly determined to resist, that he would probably also have to speak in the council, that he would perhaps also be called to the pope, but that he was not 80 years old and that he would not give in.²²

Youssef did indeed raise his voice at the council, returning again and again to the ancient rights and privileges of his church, and those of the Eastern Churches generally. This patriarch, who today we might well recognize as an apostle of synodality, was fighting for the legitimacy of multiple cultural expressions within Catholicism, for effective subsidiarity, for collegial decision making, for the retention of a more communal method of episcopal selection, and for ecumenical sensitivity towards the Orthodox. These pleas were largely unheeded, however, and by the time the final vote came for *Pastor aeternus*, he and other likeminded bishops had already left.

But, as the saying goes, while they could run, they could not hide. Over the following years the Vatican actively sought their submission to *Pastor aeternus*. This Youssef eventually went along with, but only after inserting an additional clause, an approach also taken by Patriarch Audo of the Chaldean Church. The latter, regretting his earlier acquiescence, wrote that he would accept the definitions on papal primacy and infallibility ‘with the reservation of retaining all the rights, distinctions, privileges, favours, customs and traditions enjoyed by the patriarchs of the East, both general and particular, without any change or difference’.²³ This addition, I believe, is extremely theologically significant. Still more theologically significant, and probably more surprising, is that the position taken by the two Patriarchs here was ultimately treated by Rome as sufficient. Some in the Vatican, including the pope, protested that such an addition was unnecessary, but there was no attempt actually *made* to force the Patriarchs to subscribe to the original text – something that surely has dogmatic connotations. For in delineating a limit, the addition changes the plain meaning.

How, then, should this be understood? For one, it obviously makes abundantly clear that, *even at the time of Vatican I*, explicit acceptance of *Pastor aeternus*’ teaching on primacy and infallibility, as it is and without alteration, was not a requirement for communion – something with obvious ecumenical implications for today. But might there not also be something beyond this? Especially as the Patriarchs in question had not invented the additional clause. As Youssef stressed to in his letter of reply: ‘I am obliged

²²Quoted in Joseph Hajjar, ‘L’épiscopat catholique oriental et le Ier concile du Vatican (à suivre)’, *Revue d’histoire ecclésiastique*, 65 (1970), pp. 423–55 at p. 453. The letter was written by Gaston de Banneville, who would later be promoted to Minister of Foreign Affairs.

²³Quoted in Joseph Hajjar, ‘L’épiscopat catholique oriental et le Ier concile du Vatican (suite et fin)’, *Revue d’histoire ecclésiastique*, 65 (1970), 737–88 at p. 780. Cf. Patelos, *Vatican I et les évêques uniates*, p. 535.

in conscience to declare that I make the same reservation that the ecumenical council of Florence solemnly stated'.²⁴ Could it be that just as the later clarifications and clauses actually help us better understand the authentic interpretation of, for example, *extra ecclesiam nulla salus*, this Florentine clause, upheld as it was again by Audo and Youssef after Vatican I, helps give us a clearer picture regarding authentic faith pertaining to primacy, especially as it intersects with infallibility? One that sees it align more closely with synodal concerns?

Ten months was spent discussing the *filioque* at Florence, ten days was spent discussing the papacy. There was a short dispute as to whether, after the outline of the papal prerogatives, the bull of union should read 'without infringement of the rights and privileges' as regards the Eastern Patriarchs, or whether it should read 'without infringement of all the rights and privileges', as the Greeks desired. In this, Martin Anton Schmidt notes, 'the Pope yielded to the wishes of the Greeks'.²⁵ To make what was happening at the time of Vatican I clear, then, the rights and privileges of the Eastern Patriarchs, some of which the Vatican was directly trying to suppress, had previously been guaranteed by a council those in the Vatican themselves considered ecumenical. The fact that the Eastern Code of Canon Law today still nowhere explicitly mentions the Florentine clause, not even in the first chapter which outlines the powers of the pope (especially Canons 43–48) is genuinely perplexing.²⁶ Perhaps, it could be discussed in the study group that emerged out of the Synod meeting due to explore 'some aspects of the relationship between the Eastern Catholic Church and the Latin Church'.

But what exactly are the rights and privileges of the Eastern Patriarchs? The Bull of Florence did not say, and though some were at the forefront of Eastern minds at Vatican I these are clearly not exhaustive. Nor can more obvious and visible elements, such as their liturgical and spiritual patrimony, be said to make up their totality. Following the papacy of Leo XIII such elements were no longer under such direct threat, and yet Vatican II recognized that even in its own day the authentic rights and privileges of the Eastern Catholic Churches were still not being sufficiently exercised. As *Orientalium ecclesiarum*, teaches:

By the most ancient tradition of the Church the patriarchs of the Eastern Churches are to be accorded special honor, seeing that each is set over his patriarchate as father and head. This Sacred Council, therefore, determines that their rights and privileges should be re-established in accordance with the ancient

²⁴Quoted in Hajjar, 'L'épiscopat catholique oriental et le Ier concile du Vatican (suite et fin)', p. 780. Cf. Patelos, *Vatican I et les évêques uniates*, p. 536.

²⁵Martin Anton Schmidt, 'The Problem of Papal Primacy at the Council of Florence', *Church History: Studies in Christianity and Culture*, 30 (1961), 35–49 at p. 46, end note 18. Cf. Joseph Gill, *The Council of Florence* (Cambridge: Cambridge University Press, 1959), pp. 270–392.

²⁶There is also no mention of it in *The Bishop of Rome*, something probably explained by the fact that none of the official ecumenical dialogues (which *The Bishop of Rome* sought to synthesise and respond to) have explored this avenue.

tradition of each of the Churches and the decrees of the ecumenical councils. (OE9)²⁷

The document goes onto note: ‘The rights and privileges in question are those that obtained in the time of union between East and West...’ (OE 9). But in this period, as ‘Synodality and Primacy During the First Millenium’ highlights, ‘the bishop of Rome did not exercise canonical authority over the churches of the East’ (§19). Now, the pope did at times intervene in the East, and the sequel document released last year notes that ‘primacy is not merely honorific’, which adds nuance.²⁸ But literally all historians agree that no Vatican I style papal ministry was ever universally accepted. What, then, becomes of papal infallibility?

In the first millennium, what we do see is that the Eastern bishops consistently reserved the right to formally discuss and discern the authenticity of faith within papal declarations. The Council of Chalcedon remains the paradigmatic example. Though some at that council felt ready to accept the Christology within the now famous Tome of Pope Leo without discussion, others insisted on examining it. This the council did. It was only *after* ascertaining the authenticity of the faith expressed by the Tome that, as the Acts of the Council report, the cry went up: ‘This is the faith of the fathers. This is the faith of the apostles. We all believe accordingly. We orthodox believe accordingly. Anathema to him who does not believe accordingly! Peter has uttered this through Leo’.²⁹ The great affirmation of papal teaching came *after* the synodal deliberation. The Council of Ephesus (in 431) and Constantinople (680–681), show something similar. History, conciliar history no less, therefore seems to imply that the Eastern Patriarchs have the right to pneumatically discern the authenticity of papal teaching *through a synodal structure*. The charismatic understanding of infallibility as discussed above puts new emphasis on the need for discernment, and such a synodal discernment of papal teaching (in a particular form) is precisely what the Eastern bishops have historically sought to maintain. This should not, of course, be understood as though they were judging the pope. Rather, it is deliberation as to whether their own faith (that is, the faith of the Church) can be recognized within the teaching. Whether, to draw from the first part of this paper, the charism of infallibility was truly present. That which is done individually by each of the faithful in their reception of an apparent *ex cathedra* declaration the Eastern Churches can do corporately.³⁰ The synodal structure in

²⁷*Orientalium Ecclesiarum* (21 November 1964). <https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_orientalium-ecclesiarum_en.html> [accessed 29 April 2024].

²⁸Joint International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Church, *Synodality and Primacy in the Second Millennium and Today* (7 June 2023). <<http://www.christianunity.va/content/unitacristiani/en/dialoghi/sezione-orientale/chiese-ortodosse-di-tradizione-bizantina/commissione-mista-internazionale-per-il-dialogo-teologico-tra-la/documenti-di-dialogo/testo-in-inglese1.html>> [accessed 29 April 2024].

²⁹*The Acts of the Council of Chalcedon. Volume Two*, Translated with introduction and notes by Richard Price and Michael Gaddis (Liverpool: Liverpool University Press, 2005), p. 25. Now, it would probably be wrong to see the entirety of the Tome as dogmatic. Certainly, it was incomplete in its treatment regarding the two natures of Christ having a single subject, as Leo’s second Tome corrected.

³⁰Historically speaking, such a practice was not only restricted to the East – local synods in Spain, for example, were used to examine the teaching of Nicaea II before receiving it. Francis A. Sullivan, *Magisterium: Teaching Authority in the Catholic Church* (Eugene, OR: Wipf & Stock, 2002), pp. 86–87.

the reception can be seen, then, as an outworking of the *sensus fidei*. It is a particular expression, a formalization, uniquely symbolizing the synodal dimension present within the reception the whole Church practices. (Though in the case of an ecumenical council, it obviously cannot be reduced only to this.)

Evangelii gaudium, in the very first time Pope Francis mentioned synodality in an official-magisterial document, notes how ‘in the dialogue with our Orthodox brothers and sisters, we Catholics have the opportunity to learn more about the meaning of episcopal collegiality and their experience of synodality. Through an exchange of gifts, the Spirit can lead us ever more fully into truth and goodness’. In so strongly defending the synodal practices of the Eastern Churches, and in light of this quote from Francis, perhaps today we could say of Patriarch Youssef that which Pope Paul VI said to his future counterpart during Vatican II: ‘you spoke for Orthodoxy’.³¹

3. Conclusion

Papal infallibility really can begin to take on a more synodal contour, then. This paper has taken only an initial look at two potentially helpful areas. There is much more that could be said, and much more that has been said, to further the same aim. The central point underlying this paper’s methodology is that the areas touched upon here, though often obscured and overlooked, *are present* within Catholic tradition. Synodal eyes allow these to grow in hermeneutical prominence. Through them, and other similar elements, we can move ever closer towards, as Hermann Pottmeyer described it, a *papacy in communion*.³² For, despite some nineteenth-century claims to the contrary, it is not in the pope *alone* that Christ is most clearly revealed. Just as synodality recognizes that the Spirit is (usually) best discerned corporately, so too is the Body of Christ, made present by that same Spirit, best seen through the charismatic unity in diversity that characterizes the Christian community. It is through the charisms of the entire Church, including the pope, that we begin to catch sight of the whole. For Christ, as Gerard Manley Hopkins so wonderfully put it, ‘plays in ten-thousand places, lovely in limbs and lovely in eyes not his, to the Father through the features of men’s faces’.³³

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³¹Emilios Inglese, *Maximos IV: l’Orient conteste l’Occident* (Paris: Cerf, 1969), p. 72.

³²Hermann J. Pottmeyer, *Towards a Papacy in Communion* (New York: Crossroad Publishing, 1998).

³³Gerard Manley Hopkins: *Selected Poetry*, ed. by Catherine Phillips (Oxford: Oxford University Press), p. 115.

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