

absolute military monarchy in place of a feudal state or of a republic of notables.²²

Weber understood one of the dynamics of the peculiar modernization of the Catholic Church: the elevation of the papacy produced the great leveling of all those governed, bishops included—despite the attempts of Vatican II to recover a role for the episcopacy through collegiality.

Pope Francis' grand opening—in words and in decisions—of the debate on ecclesial synodality in the Catholic Church is an act of reception of Vatican II, but also of Vatican I because it leverages a Petrine ministry—in a way that is significantly different from the dreams of nineteenth-century ultramontanists. It also sanctions the posthumous victory of the conciliar minority of 1869–1870 in the nonextremist way in which the definition of papal infallibility has been interpreted in the church and by the magisterium.

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III. *Pastor Aeternus*, Liberalism, and the Limits of Papal Authority

Two dogmatic constitutions from the First Vatican Council, *Dei Filius* and *Pastor Aeternus*, are worth revisiting today. These documents were in part a response to the challenge of liberalism. Although such a retrieval of the wisdom of *Dei Filius* and *Pastor Aeternus* is necessary as a means of protecting Christ's revelation, this is not sufficient. The doctrine of *Pastor Aeternus* should also be developed to make more clear the limits of papal authority.

By the middle of the nineteenth century, the church was under attack almost everywhere in Europe. In the various revolutions of the eighteenth and nineteenth centuries that swept across Europe, the church was despoiled of her lands, and her religious orders were forcibly suppressed; marriage and

²² Max Weber, *Economy and Society* (Berkeley and Los Angeles, CA: University of California Press, 1978. Original German: *Wirtschaft und Gesellschaft*, vol. 2 [Tübingen: Mohr, 1922]), 986.

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the education of Catholic youth were taken over by secular states. Moreover, many of the new states were virulently anticlerical, imprisoning and executing her clergy and religious. In the French Revolution alone, approximately three thousand clergy were executed and thirty to forty thousand more exiled in the name of “liberty.”²³ These violent and satanic revolutions were the natural outgrowth of the ideology of liberalism. St. John Henry Newman (1801–1890), who devoted his life to fighting liberalism, identified the heart of liberalism as its “anti-dogmatic principle and its developments.”²⁴ Because of its naturalistic and rationalistic nature, liberalism is deeply antisupernatural, rejecting any form of divine revelation. It also has at its core a deep-seated anticlericalism and refuses to recognize the divine authority of the Church of Christ and her ministers. Consequently, liberals sought either to eliminate the authority of Christ and His church from the social and political life of Europe or at least to make it subordinate to the state.

There were some in the church, such as Félicité de Lamennais (1782–1854) and Jean-Baptiste Lacordaire (1802–1861), who thought that the church could be reconciled with liberalism, arguing that such a reconciliation would lead to a rejuvenation of the church in Europe. In the nineteenth century, the papal magisterium, however, consistently opposed such a reconciliation. Gregory XVI in *Mirari Vos* (1832) and then Blessed Pius IX in *Quanta Cura* and the *Syllabus of Errors* (1864) condemned the central tenets of liberalism.²⁵ On December 6, 1864, two days before the publication of *Quanta Cura* and the *Syllabus of Errors*, Pius IX first announced his intention of calling the First Vatican Council at a meeting of the Congregation of Rites.²⁶ At this meeting Pope Pius IX privately informed the cardinals present that he desired to hold an ecumenical council in order to deal with problems facing the modern world. In the preparatory stages of the council, fifty-one schemata were produced covering a wide range of doctrinal and disciplinary issues.²⁷ In the end, however, the council was able to issue only two

²³ See Peter McPhee, *The French Revolution, 1789–1799* (Oxford: Oxford University Press, 2002), 199.

²⁴ John Henry Newman, *Apologia Pro Vita Sua: Being a Reply to a Pamphlet Entitled “What, Then, Does Dr. Newman Mean?”* (London: Longman, Green, Longman, Roberts, and Green, 1864), 329.

²⁵ See Peter Hünermann, Helmut Hoping, Robert L. Fastiggi, Anne Englund Nash, and Heinrich Denzinger, eds., *Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals*, 43rd ed. [hereafter HD] (San Francisco: Ignatius Press, 2012), 2730–32, 2890–96, 2901–80.

²⁶ See Klaus Schatz, *Vaticanum I, 1869–1870*, vol. 1 (Paderborn: F. Schöningh, 1992), 93.

²⁷ See Theodore Granderaath, SJ, *Geschichte des Vatikanischen Konzils von seiner ersten ankündigung bis zu seiner vertagung* (Freiburg i.Br.: Herder Verlag GmbH, 1903), 1:431–33. *Collectio Lacensis. Acta et decreta sacrorum conciliorum recentiorum usque*

dogmatic constitutions, *Dei Filius* and *Pastor Aeternus*, both of which struck at the heart of liberalism.

Dei Filius

Against the rationalism and antisupernaturalism of the liberal philosophers and theologians, the council promulgated on April 24, 1870, its first decree, the *Dogmatic Constitution on the Catholic Faith*, commonly known by its incipit *Dei Filius*. In *Dei Filius* the council clearly rejected the principles of liberalism and dogmatically affirmed the existence of natural revelation, defining that God “can be known with certainty” by the natural light of human reason.²⁸ It went on to affirm the need for supernatural revelation, not only so that supernatural mysteries above human reason can be known, but also so that divine truths accessible to human reason can be known “by everyone with facility, with firm certitude, and with no admixture of error.”²⁹

The council reiterated Trent’s affirmation that supernatural revelation is contained “in the written books and in the unwritten traditions which have been received by the apostles from the mouth of Christ Himself; or, through the inspiration of the Holy Spirit, have been handed down by the apostles themselves, and have thus come to us.”³⁰ The books of the Old and New Testament are to be accepted as sacred and canonical, not because they were affirmed by the church, but because they have God as their author. Moreover, in matters of faith and morals, Scripture is to be interpreted in the sense “which Holy Mother Church has held and holds,” and never contrary to this sense or even contrary to the unanimous agreement of the fathers.³¹

The council was also clear that the “understanding of its sacred dogmas must be perpetually retained, which Holy Mother Church has once declared; and there must never be recession from that meaning under the specious name of a deeper understanding.”³² To support this teaching, the council then quoted St. Vincent of Lerins, who taught that a dogma must always

ad annum 1870, eds. G. Schneemann, SJ, and T. Grandérath, SJ, vol. 7 (Freiburg i.Br.: Herder Verlag GmbH 1870–1892), 505.

²⁸ HD, 3004.

²⁹ HD, 3005.

³⁰ HD, 3006.

³¹ HD, 3007.

³² HD, 3020.

retain “the same sense and the same understanding.”³³ While the council also clearly thought that development of doctrine is possible, again quoting Lerins: “let there be growth and abundant progress in understanding, knowledge, and wisdom,” it emphasized that in any development of doctrine, the essential doctrinal content remains forever.³⁴ Thus *Dei Filius*’ last canon states, “If anyone says that, as science progresses, at times a sense is to be given to dogmas proposed by the Church different from the one that the Church has understood and understands, let him be anathema.”³⁵ This reaffirmation of the supernatural origin and immutable nature of dogma, that is, the teaching of our Lord, who is “the same yesterday and today and forever” (Heb 13:8), was the council’s principal gift to the church.

Pastor Aeternus and Some Unfinished Business

When discussing *Pastor Aeternus*, many contemporary scholars focus on the great struggle between the ultramontanes and the minority fathers. Certainly, the promulgation of *Pastor Aeternus* was a decisive defeat for the Gallican minority.³⁶ *Pastor Aeternus*, however, was directed not only against Gallicanism but also against liberalism, and this can be seen in two of its defined dogmas. First, it stated that the pope’s office and its jurisdictional authority are of divine institution and not the development of a series of historical accidents, as many liberals maintained.³⁷ Second, and more importantly, the doctrine of the infallibility of the papal magisterium meant that the pope could, in certain limited circumstances, issue irreformable definitions concerning both revelation (primary objects of infallibility) and those matters needed to protect revelation (secondary objects of infallibility). These definitions are irreformable in themselves and allow for no future appeal process above a papal definition either to a council (Gallicanism) or to reason (liberalism). This also entails that the underlying doctrinal content cannot be metamorphosed later into a new doctrine with some other meaning.³⁸

³³ HD, 3020. Subsequent magisterial interventions were equally clear that the meaning of an infallible doctrine is irreformable. In the midst of the modernist crisis, St. Pius X required an oath to be taken by all clergy, pastors, confessors, preachers, religious superiors, and professors in philosophical-theological seminaries, which included: “I entirely reject the heretical misrepresentation that dogmas evolve and change from one meaning to another different from the one which the Church held previously.” HD, 3541.

³⁴ HD, 3020.

³⁵ HD, 3043.

³⁶ See HD, 3074.

³⁷ HD, 3055, 3058.

³⁸ See HD, 3074.

A number of contemporary scholars argue that in *Lumen Gentium*, the Second Vatican Council balanced *Pastor Aeternus*' doctrines of papal supremacy and infallibility with the doctrine of collegiality. At the Fifth Lateran Council, for example, Pope Julius II (r. 1503–1513) pressed the council fathers to vote in a certain way. Paride de Grassi (1460–1528), bishop of Pesaro and the papal master of ceremonies, objected that such pressure was not fitting behavior at a council.³⁹ Undaunted, Julius II insisted that his will must be followed, and so it was. If *Lumen Gentium*'s more developed doctrine of collegiality balanced *Pastor Aeternus*' doctrine on supremacy and infallibility, then one would expect that such noncollegial acts would no longer take place. Instead, we see even in Pope Francis, who constantly stresses the importance of both collegiality and synodality, *behaviors* that are not properly collegial. When, for example, at the 2015 Synod on the Family, the synod fathers did not give the required two-thirds vote to three controversial paragraphs, Pope Francis ordered that the offensive paragraphs be inserted into the final text against the will of the synod fathers. Clearly, according to both *Pastor Aeternus* and *Lumen Gentium*, Pope Francis has the authority to do this, but the doctrine of collegiality did not mean that the pope acted collegially. The doctrine of collegiality simply makes clear what the inner structure of the church is and how it *should* work.

Instead, I would suggest that the balance to *Pastor Aeternus* is the traditional doctrine that if any pope becomes a formal heretic, he can be judged for his heresy. Such a doctrine would not stop heavy-handed papal interventions, but it does make explicit what is implied in *Dei Filius*' discussion of the irreformable nature of dogma: there are limits to a pope's authority and the nature of his interventions. Every pope is bound to and cannot teach contrary to the content of revelation as found in Sacred Scripture and Apostolic Tradition, to the infallible decrees of councils and previous popes, and to those doctrines taught by the ordinary and universal magisterium. Popes are not like the oracle at Delphi or the president of the Mormon church, who can issue new revelation or invalidate either natural or supernatural revelation. On this point, the First Vatican Council was clear that "the Holy Spirit was not promised to the successors of Peter that they might disclose a new doctrine by his revelation."⁴⁰

One of the unfortunate and unintended consequences of *Pastor Aeternus* is the way papal infallibility is now *popularly* understood. Many faithful Catholics hold a view that everything a pope says is of necessity doctrinally

³⁹ Nelson H. Minnich, *The Decrees of the Fifth Lateran Council (1512–17): Their Legitimacy, Origins, Contents, and Implementation*, vol. 3 (Florence: Routledge, 2018), 13.

⁴⁰ HD, 3070.

correct and part of the authentic magisterium. This is what some ecclesiologists call “creeping infallibility,” that is, the pope’s infallibility creeping beyond the strict conditions set forward in *Pastor Aeternus*. The pope, however, is infallible only when issuing a definition under the strict conditions set forth by *Pastor Aeternus*.

The issue of papal heresy was much discussed in the debates over papal infallibility around the time of the First Vatican Council. Prior to the council, theologians such as Peter le Page Renouf (1822–1897) and Ignaz von Döllinger (1799–1890) wrote pamphlets on the question of the *papa haereticus*, pointing out that Pope Honorius had been condemned for heresy.⁴¹ During the council, some bishops like Hefele and Augustin Verot (1804–1876) objected to the ultramontane doctrine because it ignored the fact that popes such as Honorius, Vigilius, and John XXII had in fact taught error in the past.⁴² In a speech on June 28, 1870, Bishop David Moriarty objected that the deputation responsible for drafting the schema was attempting to promote the extreme opinion of the sixteenth-century Dutch theologian Albert Pighius (c.1490–1542), who held that the pope could never fall into *formal* heresy in any capacity as pope.⁴³ To commit the sin of formal heresy, one must cling to a heresy knowingly, willingly, and obstinately.

On July 11, 1870, Bishop Vinzenz Gasser (1809–79) took more than three hours to read a *relatio* explaining the second schema of *Pastor Aeternus*. At the end of his *relatio*, Gasser expressed his disbelief that some of the council fathers had charged the drafters with attempting to promote an “extreme” view of papal infallibility. Gasser explained that the council’s doctrine is neither Pighius’ opinion nor an extreme form of infallibility.⁴⁴ Rather,

⁴¹ See Peter le Page Renouf, *The Condemnation of Pope Honorius* (London: Longmans, Green, 1868); Renouf, *The Case of Pope Honorius Reconsidered with Reference to Recent Apologies* (London: Longmans, Green, Reader, and Dyer, 1869); and Ignaz von Döllinger, Johann Nepomuk Huber, and Johannes Friedrich, *Der Papst und das Concil Eine weiter ausgeführte und mit dem Quellennachweis versehene Neubearbeitung der in der Augsburger allgemeinen Zeitung erschienenen Artikel. Das Concil und die Civiltà* (Leipzig: E. F. Steinacker, 1869).

⁴² (Hefele) Mansi, *Collectio Conciliorum Recentiorum* (Arnhem, Holland, 1927), 52: col. 83. Hefele also published a pamphlet on Honorius: Carl Joseph von Hefele, [*Causa Honorii Papae.*] *Honorius und das sechste allgemeine Concil ... Autorisirte Übersetzung. Mit einem Nachtrag der Verfassers* (Tübingen: Verlag der H. Laupp’schen Buchhandlung, 1870). (Verot) Mansi, *Collectio Conciliorum Recentiorum* (Arnhem, Holland, 1927), 52: col. 295–300.

⁴³ Mansi, *Collectio Conciliorum Recentiorum* (Arnhem, Holland, 1927), 52: col. 926.

⁴⁴ “Ex his apparet doctrinam quae habetur in schemate non esse illam Alberti Pighii, seu extremam cuiusdam scholae, sed illam unam eandemque quam Bellarminus in loco a reverendissimo oratore citato docet, quarto loco adducit, et quam vocat certissimam et

he asserted that what was being defined by the council is the “fourth opinion” contained in St. Robert Bellarmine’s (1542–1621) famous *De Controversiis*, which states “in a certain measure, whether the pope can be a heretic or not, he cannot in any way define a heretical proposition that must be believed by the whole Church.”⁴⁵ Bellarmine thought that this view was “the most common and certain opinion” because it was held by almost all schools of theology. Ultimately, it was this opinion that the council defined.⁴⁶

The doctrine that if a pope commits heresy, then he may be judged by the church was hardly novel in the church. This can be seen in the practice of the church when, for example, Pope Honorius (r. 625–638) was tried for heresy by the Third Council of Constantinople (680–681). Additionally, Gratian’s *Decretum*, a kind of medieval *Denzinger*, contains an ancient canon known as *Si Papa*, which essentially holds that the pope cannot be judged for any cause other than heresy.⁴⁷ St. Thomas Aquinas affirmed both that the pope is infallible in certain conditions and also that it is possible for the pope to err.⁴⁸ The fourteenth- and fifteenth-century Thomist school followed him in these two positions.⁴⁹ The Franciscan school held to the same teaching as

asserendam, vel potius semetipsum retractando, sententiam communissimam et certam.” Mansi, *Collectio Conciliorum Recentiorum* (Arnhem, Holland, 1927), 52: col. 1218.

⁴⁵ Robert Bellarmine, *Disputationes Roberti Bellarmini Politiani Societatis Jesu, de Controversiis Christianae Fidei, adversus huius temporis Haereticos* (Paris: Triadelphorum, 1613), 3.4.2, vol. 1: col. 794.

⁴⁶ Christian D. Washburn, “Papal Infallibility, Vatican I, and Three 16th Century Views,” *Annuario Historiae Conciliorum* 44 (2012): 143–70.

⁴⁷ Gratian, *Concordantia discordantium canonum*, in Amilius Friedberg, *Corpus iuris canonici* (Graz: Akademische Druck- u. Verlagsanstalt, 1955), *Decretum*, part 1, distinction 40, chapter 6, 1:146. English translation by James M. Moynihan, *Papal Immunity and Liability in the Writings of the Medieval Canonists* (Rome: Gregorian Biblical Bookshop, 1961), 26.

⁴⁸ St. Thomas Aquinas, *Quodlibet*, 9.16.

⁴⁹ Hervaeus Natalis, OP, *De potestate papae*, in *In quatuor libros Sententiarum commentaria. Quibus adiectus est eiusdem auctoris tractatus De potestate Papae* (1647; reprint, Farnborough: Gregg, 1966), 365; Petrus de Palude, OP, *Tractatus de Potestate Papae*, ed. P. T. Stella (Zürich: Pas-Verlag, 1966), 191; Guido Terreni, *Quaestio de magisterio infallibili romani pontificis*, ed. Bartolomé María Xiberta y Roqueta (Monasterii: typis Aschendorff, 1926), 16, 25; Juan de Torquemada, OP, *Summa de ecclesia contra impugnatores potestatis summi pontificis et LXXIII quaestiones super potestate et auctoritate Papali ex sententiis sancti Thomae Aquinatis* (Lyons: Per Magistrus Johannem Trechsel, 1496), l. 2, c. 112; Juan de Torquemada, OP, *De inerrantia romani pontificis ex cathedra definientis suffragium praeclarissimi Card. Jo. Turrecremata O. PP. legati pontificii ad concilium Basileense deinde ad concilium florentinum latinorum oratoris ex aureo illius opere summa de potestate papali depromptum et Rev. patribus concilii Vaticani exhibitum* (Taurini: P. H. F. Marietti, 1870); St. Antoninus, OP, *Summa theologica* (Graz: Akademische Druck- u. Verlagsanstalt, 1959), 3: cols. 364–65.

did medieval canonists.⁵⁰ Moreover, both Popes Innocent III (r. 1198–1216) and Innocent IV (r. 1243–1254) thought the pope could be tried for heresy.⁵¹

Bellarmino, whose “fourth opinion” on papal infallibility was eventually defined by the council, also discussed papal heresy. He is, however, commonly misunderstood to teach that the pope cannot teach or hold doctrinal error.⁵² This is not true. Bellarmine was clear that popes could and did teach doctrinal error or heresy, but he thought, with Pighius, that it is “probable and pious,” but not certain, to hold that the pope will never be a *formal* heretic.⁵³ On the other hand, he also held that:

A pope who is a manifest heretic ceases *per se* to be pope and head, just as he ceases *per se* to be a Christian and member of the body of the Church: therefore, he can be judged and punished by the Church.⁵⁴

There are three points to make about Bellarmine’s position. First, Bellarmine ascribes the theological notes “true” and “common” to this doctrine because it is held in the church by “all the ancient fathers,” *Si Papa*, and Pope Innocent III.⁵⁵ He also sees this confirmed in the church’s actual practice in cases such as Pope Honorius.⁵⁶ Second, he ascribes a significantly lower theological note, “probable and pious,” to Pighius’ view, no doubt because it was

⁵⁰ Moynihan, *Papal Immunity and Liability in the Writings of the Medieval Canonists*, 141–42; Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge: Cambridge University Press, 2010), 9.

⁵¹ “In tantum mihi fides necessaria est, ut cum de caeteris peccatis solum Deum iudicem habeam, propter solum peccatum, quod in fide committitur, possem ab ecclesia iudicari. Nam qui non credit, jam iudicatus est.” Innocent III, *Sermo II in consecratione pontificis maximi*, PL 217, col. 656.

⁵² Christian D. Washburn, “Three 16th Century Thomist Solutions to the Problem of a Heretical Pope: Cajetan, Cano, and Bellarmine,” forthcoming.

⁵³ Bellarmine, *Disputationes Roberti Bellarmini Politiani Societatis Jesu, de Controversiis Christianae Fidei, adversus huius temporis Haereticos*, 3.4.6, vol. 1, 805.

⁵⁴ “Est ergo QUINTA opinio vera; Papam haereticum manifestum, per se desinere esse Papam & caput; sicut per se desinit esse Christianus & membrum corporis Ecclesiae: quare ab Ecclesia posse eum iudicari & puniri.” Bellarmine, *Disputationes Roberti Bellarmini Politiani Societatis Jesu, de Controversiis Christianae Fidei, adversus huius temporis Haereticos*, 3.2.30, vol. 1, 694.

⁵⁵ Bellarmine, *Disputationes Roberti Bellarmini Politiani Societatis Jesu, de Controversiis Christianae Fidei, adversus huius temporis Haereticos*, 3.2.30, vol. 1, 691.

⁵⁶ Bellarmine, *Disputationes Roberti Bellarmini Politiani Societatis Jesu, de Controversiis Christianae Fidei, adversus huius temporis Haereticos*, 3.2.30, vol. 1, 691.

unknown before the sixteenth century.⁵⁷ Third, at first blush, it may seem odd and contradictory for Bellarmine to simultaneously hold his probable and pious opinion that a pope cannot be a formal heretic even as a private doctor and yet also hold that the true and common opinion is that a formally heretical pope should be judged. Strictly speaking these two views are not contradictory. It is after all a doctrine of the church that anyone, whether pope or layman, who falls into manifest and pertinacious heresy is no longer a member of the church. The pope himself is not exempted from this divine law. One can simultaneously hold that a pope who is a formal heretic is not a member of the church and also that God has and will providentially prevent such an occurrence. This is like holding that anyone, including the Blessed Virgin, who commits a mortal sin and dies unrepentant will descend immediately to hell after the particular judgment. God, however, gave Mary graces such that she never committed such a sin.

Dei Filius and *Pastor Aeternus* are great gifts to the church, for they helped make it clear that Christ is God and that Catholics must submit to his living Word. Moreover, they are a bulwark against the onslaught of liberalism, which attempted to overthrow the reign of Christ, who alone gives true freedom (Gal 5:13). At the same time, a magisterial reaffirmation of the doctrine of the *papa haereticus* would help balance the doctrine of papal infallibility, further developing the teaching of *Dei Verbum* 10: “the teaching office [of the church] is not above the word of God, but serves it, teaching only what has been handed on.”

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IV. *Pastor Aeternus* at 150

Kristin Colberg’s fine essay in the December 2019 issue of *Horizons* clearly lays out the social, historical, and theological context for *Pastor Aeternus*. The year 1870 was a tumultuous, difficult, even dangerous, time

⁵⁷ Hubert Jedin, *Studien über die schriftstellertätigkeit Albert Pigges* (Münster in Westfalen: Aschendorff, 1931), 136.

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