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PAPA EST NOMEN IURISDICTIONIS:
AUGUSTINUS TRIUMPHUS AND THE
PAPAL VICARIATE OF CHRIST

I

WHEN the French publicists of the early fourteenth century claimed that every bishop was pope in his own diocese,¹ they were giving formal utterance to a demand with which the medieval papacy had long been uncomfortably familiar. The refusal of many bishops to obey papal instructions, their defiance under correction, and the support given by them to excommunicate or deposed rulers, are all common features of medieval political history. The repeated stress laid upon the primacy of the Roman church bears witness to the constant need of the papacy to assert its supremacy over both the lay and the ecclesiastical princes of Europe. Throughout the Middle Ages 'episcopalism' constituted a real threat to the papal position, and usually assumed alarming proportions whenever the papacy made a determined effort to reduce a king or an emperor to obedience. At no time was this more true than during the struggle which has been so inadequately labelled 'The Investiture Contest'. Whilst the fundamental issue at stake was whether pope or emperor was to control the government of the Latin world, both sides were well aware that only a firm hold over the episcopate could ensure either the permanence of that control or the efficiency of the government itself. From one point of view the Investiture Contest was simply a question of whether an imperial or a papal proprietary church system was to exist in the Empire. This was of course equally true of all kingdoms, and most of the great political struggles of the Middle Ages were marked by a trail of disputed episcopal elections. Nevertheless the Investiture Contest has a special

¹ *Quaestio in utramque partem* (Goldast, *Monarchia*, ii (Frankfort, 1614), p. 1067): 'Sicut dicimus quod aliquis episcopus est dominus temporalis et spiritualis in sua civitate et sic est ibi monarcha utrumque obtinens principatum, sic ergo concedimus quod papa habet monarchiam utriusque potestatis in urbe, non tamen in orbe.' See also John of Paris, *Tractatus de potestate regia et papali*, x (ed. J. Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle* (Paris, 1942), pp. 196-7); Guilielmus Durantis, *Tractatus de modo generalis concilii celebrandi* (Paris, 1545), i. 5, pp. 16-17; and Jean de Pouilli in J. G. Sikes, 'John de Pouilli and Peter de la Palu', *English Historical Review*, xlix (1934), pp. 219-40. This claim is outlined by Augustinus Triumphus in the *Summa de potestate ecclesiastica* (Rome, 1584), xix. 3, *propositio* 2, p. 119 and xix. 5, pp. 120-1, and the *Tractatus de duplici potestate* (ed. R. Scholz, *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz' VIII* (Stuttgart, 1903), pp. 486-501, at pp. 489-90).

significance. It not only provides some of the best examples of a number of bishops in open opposition to the papacy, but it also covers the period, roughly the century between 1050 and 1150, in which the foundations were laid for a major development of papal-hierocratic theory. This development was the growth of the idea that the pope, and the pope alone, was the vicar of Christ. And it was with this weapon that the papacy effectively rejected the validity of the episcopal claims.

This is not to deny that the papal vicariate of Christ proved itself immensely valuable for use against the lay rulers themselves. But it enabled the papacy to claim little more in this respect than it had done already. The lay ruler was no less subject to the pope in the eyes of Gregory VII than in the eyes of Innocent III or Boniface VIII. The real value of the vicariate of Christ lay in its use against the opposition to the pope from within the ranks of the *sacerdotium*. It is not without interest to note how often Innocent III, the first pope to put particular emphasis upon the papal vicariate of Christ, used this conception alongside arguments intended to rebuff the advances of episcopalism.¹ And it is in the context of this internal opposition that the work of Augustinus Triumphus² is seen to be of special importance. In the first place he demonstrated exactly how the vicariate of Christ raised the pope beyond the reach of the episcopal attack. Secondly, he showed that the same theory could be equally effective in denying the college of cardinals any right to exercise control over the pope. In his hands this dual function of the *vicarius Christi* idea made the monarchical position of the papacy seem impregnable. Yet at the same time it becomes clear that Augustinus Triumphus was prepared to accept arguments which could only lead to the destruction of that monarchy. Few writers of his time were immune from the influence of conciliar ideas,

¹ e.g. *I Reg.* cccxxvi (Migne, *P.L.* ccxiv. 291-3); *I Reg.* cccxxxv (*P.L.* ccxiv. 306-8); *II Reg.* ccix (*P.L.* ccxiv. 758-65).

² Augustinus Triumphus of Ancona (d. 1328) was one of the notable group of pro-papal writers produced by the Augustinian Hermit order of friars in the early part of the fourteenth century, a group which included Aegidius Romanus and James of Viterbo. He studied and taught at Paris, acted as court preacher to the duke of Padua, and later became an adviser to Charles of Naples and tutor to the future king Robert. Amongst a large number of theological and political treatises, his most important work was the *Summa de potestate ecclesiastica* of 1326. For further details see B. Ministeri, 'De Augustini de Ancona: vita et operibus', *Analecta Augustiniana*, xxii (1951). Some aspects of his political thought have been dealt with by J. Rivière, 'Une première "Somme" du pouvoir pontifical: le pape chez Augustin d'Ancone', *Revue des sciences religieuses*, xviii (1938), pp. 149-83, and R. van Gerven, *De wereldlijke macht van den paus volgens Augustinus Triumphus* (Antwerp-Nijmegen, 1947). All references made here are to the *Summa de potestate ecclesiastica* (Rome, 1584), unless noted otherwise.

now given fresh impetus by the introduction of Aristotelian political and philosophical principles into Western thought, and Augustinus Triumphus espoused the cause of popular sovereignty in the Universal Church as whole-heartedly as he asserted an extreme papal omnipotence. This paradox was common to many of his contemporaries. But where Augustinus Triumphus merits particular attention is in his use of this same conception of the papal vicariate of Christ to provide a basis for his whole conciliar theory. With him the vicariate of Christ preserved the papacy not only from episcopal separatism and the oligarchical rule of the cardinals, but also from the depredations of a heretical or otherwise undesirable pope. Thus the work of Augustinus Triumphus sheds a penetrating light upon the unsettled state of ideas prevalent at this time. It illustrates that in many ways the early fourteenth century was an age of crisis in the history of the Christian Church.

Although many medieval bishops displayed considerable adroitness in playing pope and lay ruler off against each other, it is in the alliances of bishops and ruler against the pope that we may usually find the best examples of episcopalism in action. Such alliances were by no means entirely due to the fact that royal displeasure constituted a very real and immediate threat to the safety of the bishops concerned. Although it is often difficult to disentangle the one cause from the other, the bishops were only too frequently willing to act against papal orders on their own account. The episcopate never ceased in its endeavour to obtain complete freedom of action in its own right, an attempt at whose basis there was a Cyprianic conception of the brotherhood of all bishops. Papal control was in fact as unwelcome to many of the bishops themselves as it was to their respective lay rulers. The fundamental difference, however, was that whilst the lay outlook was essentially anti-hierocratic, the bishops were still hierocrats in that they accepted the supremacy of sacerdotal government. Their support for the lay ruler was often only the means to an end, namely, the right to govern their dioceses without external interference. They believed that they derived their entire power direct from Christ, and whilst this did not mean that they denied Christ's commission of power to St. Peter, they did deny that it had been made to him alone. In their eyes the Petrine commission had applied to all the apostles, and so to themselves as *successores apostolorum*. They regarded all bishops as vicars of Christ, and styled themselves accordingly. To them the pope was no more than the bishop of Rome, a bishop amongst bishops. Why therefore should the pope have the right to concern himself with the government of their own dioceses except by their consent? And so in accordance with this

view he was reduced to a mere *primus inter pares*. There was to be a horizontal, not a vertical, ordering within the *ordo episcopalis*.

It was against this attitude that the papal vicariate of Christ seems to have been primarily designed, more particularly in response to the widespread episcopalism prevalent during the Investiture Contest. But why should the Investiture Contest have had this effect? Episcopalism was nothing new to the eleventh and twelfth centuries, nor for that matter was the vicariate of Christ idea altogether unknown before. Indeed the papacy had hovered on the brink of a vicariate of Christ for the better part of the preceding 800 years.¹ Nevertheless, apart from a few isolated instances, the application of the term *vicarius Christi* (or its equivalent *vicarius Dei*) to the pope did not become common until about 1150. It was then popularized by St. Bernard,² and accepted by his pupil Eugenius III.³ The answer to the problem of why the *vicarius Christi* idea was not used before the middle of the twelfth century may, however, be sought in an analysis of the idea itself. It is perhaps Augustinus Triumphus' greatest contribution to medieval thought that he provided this analysis. And from this it becomes clear that the basis on which the concept rested was a distinction between *potestas ordinis* and *potestas iurisdictionis*—or as we should say, between order and office. This distinction was an essential element in the theory of the papal vicariate of Christ as it was developed and used in the following centuries. But in 1050 this distinction was hardly apparent, or more accurately, had not yet taken the form in which it was needed for use by the papacy in the vicariate of Christ. It was only during the Investiture Contest that the distinction between order and office was clearly worked out and given a juristic formulation. This process was more or less complete by 1150, and it was then absorbed into the idea of the papal vicariate. But it was only when a full separation of jurisdictional and sacramental power had been achieved that it was possible for the pope to assert a vicariate of Christ which was fundamentally different and superior to that of any other bishop.

Down to the Investiture Contest the distinction between order and office received very limited expression. It first appeared simply as a distinction between the sacramental power of a priest or bishop and his right to utilize it in a given parish or diocese. There then developed alongside it a distinction between the bishop's sacramental power and

¹ The general development of the vicariate of Christ theory has been traced by M. Maccarrone, *Vicarius Christi* (Rome, 1952).

² *Ep. celi* (P.L. clxxxii. 451); *De consideratione*, II. viii. 16 and IV. vii. 23 (P.L. clxxxii. 752, 788); *De moribus*, viii and ix (P.L. clxxxii. 829, 832).

³ See the curial officer's report in *M.G.H.*, SS, xx. 543.

his power to act in governmental and judicial matters. But it was not until well into the twelfth century that there appears to have been any real combination of these two distinctions. There were then three stages in the growth of the separation of order and office as understood by Augustinus Triumphus, and it may therefore simplify matters if we consider each stage by itself.

(a) The distinction between sacramental power (*potestas ordinis*) and the ability to exercise it (*potestas executionis*) is of patristic origin. Although St. Jerome used the terms *ordo*, *officium*, and *gradus* indiscriminately,¹ St. Augustine had clearly conceived of a priest retaining the sacramental power of his order even when *remotus ab officio*: he was deposed from the cure of his parish and had no authority to confer the sacraments, but was still nevertheless capable of doing so.² St. Augustine also used in this case a distinction between the sacrament itself which such a priest undoubtedly gave, and the effect or execution of the sacrament, which was denied to him.³ And there the matter rested until the eleventh century, with the distinction apparently already accepted.⁴ But the whole question was then brought into prominence as an offshoot of the conflict between the papacy and the emperor Henry IV. What was the exact status and power of these priests who had been

¹ *Adversus Iovin.* i (P.L. xxiii. 255): 'Episcopus, presbyter et diaconus non sunt meritorum nomina sed officiorum'; *ibid.* ii (325): 'alium ordinem pontifex tenet, alium sacerdotes, alium Levitae'; see also *Comm. in Mic.* i. 7 (P.L. xxv. 1220) for the use of *gradus* as applied to bishops, priests, and deacons.

² *Liber de bono coniugali*, 24 (P.L. xl. 394): 'Et si aliqua culpa quisquam ab officio removeatur, sacramento Domini semel imposito non carebit, quamvis ad iudicium permanente.'

³ *De baptismo*, vi. i. 1 (P.L. xliii. 197): 'Non distinguebatur sacramentum ab effectu vel usu sacramenti'; *ibid.* iv. xvii. 24 (170); *Ep.* xciii. 11 (P.L. xxxiii. 343).

⁴ Fuller details of the growth and use of this distinction may be found in L. Saltet, *Les Réordinations* (Paris, 1907) and A. Michel, 'Ordre', *Dictionnaire de théologie catholique*, xi. i (Paris, 1931), cols. 1194-406, at cols. 1275-315. It has been pointed out by Leclercq, *Jean de Paris*, pp. 119-21, that the question of ordained monks who had no authority to exercise their sacramental power in a parish also lent its weight to the necessity for drawing a distinction here. We may notice that this question too assumed its importance in the period 1050-1150: see U. Berlière, 'L'exercice du ministère paroissial par les moines dans le haut Moyen Age', *Revue Bénédictine*, xxxix (1927), pp. 246-50; and G. Schreiber, *Gesammelte Abhandlungen: Gemeinschaften des Mittelalters* (Münster, 1948), pp. 349 f. The opposition between the monastic and religious orders and the secular clergy was the cause of the prolonged dispute over the states of perfection, which itself necessitated a division between order and office and an assessment of the relative values of each: see K. Schleyer, 'Disputes scolastiques sur les états de perfection', *Recherches de théologie ancienne et médiévale*, x (1938), pp. 279-93. Much of this later controversy, however, took place when the distinction was already clearly recognized by the Decretists.

ordained by schismatic bishops, and whose numbers multiplied rapidly as the struggle prolonged itself? In their attempts to answer this contemporary writers produced such a welter of confused and conflicting opinions that the Augustinian distinction was almost lost to view. Some endeavoured to draw a distinction between a priest and a bishop by giving the former permanent sacramental power but denying it to the bishop;¹ others believed that priests and bishops had an equal degree of sacramental power, the bishop merely having wider executive powers;² whilst another school of thought denied the indelible character of sacramental power altogether.³ But the most serious threat to the Augustinian theory was contained in the idea that it depended entirely upon the pope whether sacramental power was retained by a schismatic priest or not. This was held by Humbert, Bernold of Constance, and apparently adopted for a time by Urban II. Its basis was Leo I's distinction between the *forma sacramenti* and its *virtus sanctificationis*⁴ and from this it was held that sacramental power had no real effect unless its possessor was permitted to use it. If it was used without ecclesiastical authority it had no efficacy. The sacrament in such a case was a mere form, a purely external rite with no interior significance.⁵ This naturally tended to destroy any real distinction between sacramental power and the right to use it. A priest or bishop either had sacramental power and the right to use it or no power at all. The only enduring importance that this view had was in the emphasis it placed upon the need for papal authorization in addition to the possession of sacramental power. Yet on other occasions both Bernold of Constance and Urban II virtually

¹ See the description given by Alexander of Hales, *Summa Theologica*, lib. iv, q. x, m. v, art. 1, par. 6.

² Even as late as the fourteenth century this point of view was still being debated. See Duns Scotus, *Quaestiones in IV lib. Sent.*, lib. iv, dist. xxv, q. 1, art. 2 ad 3. Aquinas declared episcopal power to be a jurisdictional one, having, however, the permanent nature of *potestas ordinis*: see *Comm. in IV lib. Sent.*, lib. iv, dist. xxiv, q. 1, art. 2 ad 2.

³ Saltet, *op. cit.*, p. 355, cites an anonymous gloss: 'Argumentum quod degradatus non retineat ordinem ut etiam non sit sacerdos non clericus: et hoc dicunt maxime ultramontani'; the *Summa Lipsiensis*, ad C. xvii, q. iv, c. 29 (see J. F. v. Schulte, 'Die Summa Decreti Lipsiensis', *Sitzungsberichte d. Akad. d. Wissenschaften in Wien*, lxxviii (Vienna, 1871), pp. 37-54, at p. 43) quoted Gerard Pucelle, a Parisian master who became bishop of Coventry, as saying that priests deprived of the *privilegium canonis* had no *potestas ordinis*: 'Magister tamen G., Coventrensis episcopus, dixit quod nec ordinem habent tales.'

⁴ *Ep. cclix. 7* (*P.L.* liv. 1138-9).

⁵ Humbert, *Adversus simoniacos*, i (*M.G.H., Lib. de Lit.* i. 105); Bernold of Constance, *ibid.* ii. 56; Urban II, letter to Lucius of Pavia (*P.L.* cli. 531). See also William of Auvergne, *De sacramento ordinis*, 7, for a similar theory. See further Saltet, *op. cit.*, pp. 209-30; Michel, *op. cit.*, cols. 1287-91.

contradicted themselves by adhering to the Augustinian formula.¹ The Augustinian doctrine was not dead, but only temporarily out of favour, and we may still find it used by Hugh of Amiens.² It was, however, to the Bolognese jurists of the twelfth century that a full restoration of St. Augustine's teaching was due, and such was the influence of the Bologna law-schools that it ultimately gained general acceptance. Admittedly there was still a considerable imprecision of terms. *Officium*, as we have seen, had been used by Augustine to describe the position in which a priest was permitted to exercise his sacramental power. But with the twelfth-century canonists this term was often used to denote the possession of sacramental power itself—or as we should call it, order. None the less the distinction between having sacramental power and being authorized to use it remained, and was steadily given a more legalistic shape. With Gratian, for example, there was a clear recognition of the difference between *officium* (order) and the *executio officii*.³ This line was followed by practically all the Decretists, and the whole matter was aptly summed up by Rufinus: 'in officio sacerdotali duo sunt, usus et potestas'.⁴ As yet, however, the episcopal office was conceived of as being no more than the right of the bishop to exercise the power of his order.

(b) The separation of the bishop's sacramental power (*potestas ordinis*) and governmental power (*potestas administrationis*) was a parallel development. The recognition of this distinction in the eleventh and twelfth centuries has been generally ignored by historians because they have been misled by the terminology employed. It was not explicitly termed a distinction between order and office, but took the form of the

¹ Bernold of Constance, *ibid.* ii. 56, 58; Urban II in S. Loewenfeld, *Epistolae pontificum romanorum ineditae* (Leipzig, 1885), p. 62. Similarly Bruno of Segni, *Commentarius in Ioh.* (P.L. clxv. 533).

² See the letter to Matthew, prior of St. Martin des Champs, Paris, in E. Martene and M. Durand, *Thesaurus Novus Anecdotorum*, v (Paris, 1717), p. 981; G. Schreiber, *op. cit.*, loc. cit.

³ C. i, q. i *dictum Gratiani post*, c. 97, par. 3. Beyond this, however, it is still true that with Gratian 'Weihe und Jurisdiktionshierarchie sind noch nicht klar geschieden': H. E. Feine, *Studia Gratiana*, i (Bologna, 1953), p. 360.

⁴ *Summa*, ad C. i, q. i (ed. H. Singer (Paderborn, 1902), p. 210). Similarly ad C. i, q. i, pp. 206–7; ad C. ix, q. i, p. 298. See also Rolandus Bandinelli (later Alexander III), *Summa*, ad C. xiv, q. i (ed. F. Thaner (Innsbruck, 1874), p. 38); Benencasa Senensis, *Casus Decretorum*, ad C. ix, q. i, quoting Huguccio; *Summa Parisiensis*, ad C. i, q. i, c. 2 (ed. T. P. McLaughlin (Toronto, 1952), p. 80); Bernardus Papiensis, *Summa*, lib. v, tit. vii (ed. T. Laspeyres, p. 215); Raymondus de Pennaforte, *Summa de poenitentia*, lib. i, c. *de haereticis et ordinatis ab eis*, par. 9. The distinction does not seem to have been accepted by the Parisian schools until well into the thirteenth century. It may, however, be found in Alexander of Hales, *Summa Theologica*, lib. iv, q. x, m. v, art. 1, par. 6.

familiar division between the bishop's *spiritualia* and his *regalia* or *saecularia*. The origin of this division, and its usefulness to the lay ruler, need not detain us here,¹ but it will suffice for our purposes to examine briefly the definitions of *spiritualia* and *regalia* current at this time. According to Wido of Ferrara, the *spiritualia* were those things which the bishop received from the Holy Spirit through the medium of another bishop.² This, it would seem, can refer only to the purely spiritual, sacramental power (*potestas ordinis*), which, as Augustinus Triumphus was to emphasize, had been granted to the apostles by their reception of the Holy Spirit after the resurrection of Christ,³ and was then handed on from bishop to bishop. The *regalia* or *saecularia*, on the other hand, concerned only the jurisdictional aspect of bishop's the function, his administrative duties as a governing official, which Gerhoh of Reichensberg termed *publicae functiones*.⁴ The *saecularia* consisted not only of the right to administer the episcopal possessions and property, but included all things requiring the exercise of *ius* or *iurisdictio*.⁵ They were essentially *regalia iura*,⁶ or, to return to Wido of Ferrara, 'omnia placita saecularia et iudicia et regalia et publica iura et vectigalia'.⁷ This conception of the episcopal office did not include the power to exercise *potestas ordinis*: that was of no immediate concern to the lay ruler, in whose favour the distinction was primarily

¹ See I. Ott, 'Der Regalienbegriff im XII. Jahrhundert', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, lxvi (1948), pp. 234-304; W. Ullmann, *The Growth of Papal Government* (London, 1955), pp. 408-10.

² *De schismate Hildebrandi*, ii (*M.G.H., Lib. de Lit.* i. 564): 'Nam omnia quae sunt episcopalis officii spiritualia sunt, divina sunt quia, licet per ministerium episcopi, tamen a sancto spiritu conceduntur'; cp. with Alexander of Hales, *Summa Theologica*, lib. iv, q. x, m. v, art. 1, par. 6: 'Dicendum quod character, unde est potestas ordinis, est immediate a Deo, licet episcopus co-operetur ministerialiter.'

³ John xx. 22-23.

⁴ *Opusculum de aedificio Dei*, 25 (*M.G.H., Lib. de Lit.* iii. 154).

⁵ Charter of Henry of Löwen to Philip, archbishop of Cologne, 1180 (cited I. Ott, art. cit., p. 303, n. 286): 'unam partem . . . cum omni iure et iurisdictione . . . cum omnibus ad eundem ducatum pertinentibus ecclesiae Coloniensi . . . contulimus'.

⁶ *Leges Henrici Primi*, x. 1 (cited by J. E. A. Jolliffe, *Angevin Kingship* (London, 1955), p. 19, n. 1. The printed text given by F. Liebermann, *Gesetze der Angelsachsen*, i (Halle, 1903), p. 556 reads *iura* only).

⁷ Loc. cit. 564. At the same time we may see the *regalia*, considered as royal (customary) legal rights, represented by the crown: Eadmer, *Hist. Nov.* (ed. M. Rule), p. 58: 'quicumque enim regiae dignitatis consuetudines ei tollit, coronam simul et regnum tollit'. Both *regalia* (or its equivalents) and *corona* were terms commonly used to signify the office of king, bishop, or pope. Where a distinction was drawn between the man and his office it frequently took the form of a distinction between the man and his *iura*, or between the ruler and the *regalia*, or between the king and his crown: see examples, W. Ullmann, op. cit., pp. 410-12.

drawn. His intention was simply to make himself the source of all governmental power wielded in his kingdom. A plain division between the sacramental power or *potestas ordinis* of the bishop and his jurisdictional or administrative power in matters of government was all that was necessary. Nevertheless, within these limits, the division between spiritualian and regalian rights was one between order and office.

(c) The fusion of these two distinctions was achieved in the middle of the twelfth century. The episcopal office in the sense of the bishop's right to use sacramental power (*potestas executionis*) was bound together with the conception of that office in terms of governmental power (*potestas administrationis*), and the whole was given the generic title of jurisdictional power (*potestas iurisdictionis*). This, too, was the work of the Decretists, above all of Rufinus. In his estimation the priest or bishop required three things before he could carry out his function in the proper manner. These things were, firstly, the sacramental power of his order; secondly, the right or ability to use it, which pertained to his dignity or office; and lastly, suitable personal qualifications.¹ This triple distinction was adopted by John of Faenza, who, although in many ways merely a slavish imitator of Rufinus, has some importance for us in that he seems to have been the first to term the powers of order and office as *potestas ordinis* and *potestas iuris* respectively.² We must take notice of two points concerning this conception of office: first of all that the ability to exercise *potestas ordinis* was described here as a

¹ *Summa*, ad C. i, q. i, pp. 210-11: 'Item potestas triplex est, aptitudinis habitatis et regularitatis. Potestas aptitudinis est qua sacerdos ex sacramento ordinis quod accepit habet aptitudinem cantandi missam. Potestas habitatis est qua ex dignitate officii quam adhuc habet habilis est ad cantandam missam. Potestas regularitatis est qua ex vitae merito, ex integritate personae, ex sufficiente eruditione, dignus est missam canere. . . . Quando labitur et non suspenditur, non quidem usum officii amittit sed illa tertia potestas abiudicatur ei, non enim potest cantare missam ex merito vitae. Cum vero labitur et suspenditur, usum quidem officii perdit sed habitatis potestatem non amittit. . . . Si vero labitur et suspenditur et deponitur, usum utique officii cum potestate habitatis et regularitatis amittit; sed potestate aptitudinis quatenus numquam carere potest, quatenus illud sacramentum ei dum vivit deesse non potest.'

² The teaching of John of Faenza on this was summarized in the *Summa Lipsiensis*, ad C. i, q. vii, c. 24: 'Ad hoc dicit I. quod innocens in ordinatione sua triplicem repetit potestatem, potestatem scilicet sacra faciendi, item potestatem iuris ex officio faciendi, item potestatem iuste faciendi. . . . Itaque quondam catholicus suspensus, cum ad hoc potestatem faciendi retineat, dare ordinem potest, sed potestatem iuris vel iustitiae, quam non habet, dare non potest. Item nec potestatem faciendi quam habet dare potest quia, licet potestas faciendi sine potestate iuris in aliquo esse possit, non tamen sine ea incipere potest, cum naturalis ordo sit ut ex officio quis incipiat consecrare posse, non e contrario. . . . Per manus impositionem accipiet a catholicis quod ab haereticis nemo accipere potest, scilicet omnem ordinis potestatem.'

jurisdictional power; and secondly that *potestas executionis* did not constitute the whole of the office, but was derived from it. In other words the authority to use sacramental power was now regarded as being part of the total jurisdictional power which a bishop wielded by virtue of his dignity or office. The episcopal office thus consisted of both *potestas executionis* and *potestas administrationis*, either of which, or both taken together, were referred to as jurisdictional power.¹ We now in fact have the full distinction between order and office as used by Augustinus Triumphus. And once this had been achieved, the basis for the papal theory of the *vicarius Christi* had been established. It was no mere coincidence which transformed the pope from a vicar of St. Peter into a vicar of God² in the mid-twelfth century, but the attainment of a full juristic distinction between order and office.

Augustinus Triumphus was in many ways the heir of the Decretists. With him we may well begin where Rufinus and John of Faenza had left off. For he, too, divided the attributes of a bishop into three categories: the sacramental power of the episcopal order, jurisdictional power, and personal qualifications, especially a knowledge of things Christian, which he summed up in the term *scientia*.³ This last, a combination of intellectual ability and divine inspiration, enabled a bishop or a priest to teach what a Christian should believe and how he should act. Without it he was obviously incapable of fulfilling his function in

¹ A distinction between *potestas iurisdictionis*, the governmental power of the office, and *potestas executionis*, the power of the office in the limited sense of the right to exercise *potestas ordinis*, was the basis on which Rufinus determined the power of a bishop-elect before consecration: *ad Dist.* xxiii, 1, p. 52: 'Quaeri solet si in electione confirmatus ante episcopalem unctionem usque adeo plenam auctoritatem possideat . . . sed dicimus quod plenam auctoritatem habeat quoad administrationem, non autem quoad dignitatis auctoritatem'; Stephanus Tornacensis, *ad Dist.* xxiii (ed. J. F. v. Schulte (Giessen, 1891), p. 35): 'Habet enim electus potestatem administrationis, non auctoritatem dignitatis'; note also: 'Qui [ordinantur] ab excommunicatis et non exauctoratis . . . si scientes, deponuntur, utpote qui nomen officii et ordinem sine effectu gratiae perceperunt.' It became generally accepted by the Decretists that the bishop-elect gained the governmental powers of his office by election, but that he could not hold the *potestas executionis* of his new order until he had received *potestas ordinis* itself: *potestas ordinis* and *potestas executionis* were obtained together by consecration. This point has been dealt with by B. Tierney, *The Foundations of the Conciliar Theory* (Cambridge, 1955), pp. 126, 129.

² Innocent III, *I Reg.* cccxxvi (P.L. ccxiv. 292): 'Nam quamvis simus apostolorum principis successores, non tamen eius aut alicuius apostoli vel hominis sed ipsius sumus vicarii Iesu Christi'; Augustinus Triumphus, *Summa*, xlv. 2, ad 3, p. 248: '... non vice [Petri] sed vice Dei universalem iurisdictionem habet in toto orbe'.

³ See, for example, *Summa*, lxi. 2, p. 322; lxxxiv. 1, pp. 422-3.

a Christian society.¹ To this extent, therefore, both *potestas ordinis* and *potestas iurisdictionis* were dependent upon *scientia*. But all Christians necessarily possessed *scientia* to a greater or lesser degree, although this did not qualify them to direct the operation of the society to which they belonged. The actual functioning of the *Ecclesia* was a matter of the correct use and disposal of power. For practical purposes, therefore, Augustinus Triumphus was mainly concerned with *potestas ordinis* and *potestas iurisdictionis*, the powers of Christ inherent in the *Ecclesia* which was his body. Consequently both were to be found in the pope as vicar of Christ:

In papa est duplex potestas, una respectu corporis Christi veri, et ista vocatur potestas ordinis . . . alia respectu corporis Christi mystici, et ista vocatur potestas iurisdictionis vel administrationis.²

Just as the body of Christ had its true and its mystical aspects, so there existed a power corresponding to each aspect. The *potestas ordinis* was derived from the true body of Christ, and was present in all priests and bishops, thereby enabling them to administer the sacraments.³ The degree to which it was imprinted on a member of the *sacerdotium* determined the distinctive nature or character of his priesthood—whether he should be simply a priest, or a bishop, who had the power to create other priests and bishops.⁴ Once received it could not be taken away again: *potestas ordinis est incorruptibilis et immutabilis*. It had an indelible nature, which explained the familiar phrase, 'Once a priest, always a priest.'⁵ But *potestas iurisdictionis* on the other hand was *mobilis et transitoria*, since its holder could at any time forfeit it, either

¹ *Summa*, lxiv. 2, p. 338; c. 2, p. 489.

² *Summa*, i. 6, p. 9.

³ *Summa*, xx. 5, p. 125: 'potestas ordinis data est sacramento'.

⁴ *Tractatus de duplici potestate* (ed. R. Scholz, *Die Publizistik zur zeit Philipps des Schönen und Bonifaz' VIII* (Stuttgart, 1903), pp. 486–501, at pp. 490–1): 'potest tamen dici potestas ordinis non solum character, qui ut dictum est imprimitur in quolibet ordine, verum etiam perfectio characteris potest spiritualis potestas appellari, quae non imprimitur nisi in ordine episcopali, qui, licet non sit ordo distinctus ab aliis VII, est tamen perfectio ordinum, unde et episcopus potest omnes ordines conferre quod non potest simplex sacerdos. Nam licet sit eadem potestas ordinis in sacerdote et episcopo, in sacerdote tamen est talis potestas modo imperfecto et modo parvo, sed in episcopo est modo excellenti et magno.'

⁵ *Summa*, ci. 8, ad 2, p. 500: 'puta cum sacri ordinis susceptione, et ista semper manet, quia sacerdos semper manet sacerdos et episcopus semper manet episcopus'; iv. 1, p. 40: 'omnia illa quae pertinent ad potestatem ordinis vel ad ordinis perfectionem non possunt tolli nec auferri quocunque modo vel per cessionem vel per depositionem. Sed illa quae pertinent ad potestatem iurisdictionis possunt tolli et auferri.' Similarly, iv. 2, p. 41; lxxiv. 2, p. 384; cx. 5; p. 550.

by resigning or by being deposed from his office.¹ It was essentially an administrative power, by which the *Ecclesia*, the mystical body of Christ² comprising all Christians,³ was governed. The importance of this theory at once becomes clear when it is realized that all who held office in it, whether they were laity or clergy, could function only by virtue of the jurisdictional power delegated to them by the pope. No one, neither king, bishop, nor any lesser official, could act unless he received power from the head, namely the vicar of Christ, in whom all governmental *auctoritas et potestas* initially resided.⁴

Augustinus Triumphus thus began with a restatement of the view that a bishop had both the sacramental power of his order and the jurisdictional power of an office-holder.⁵ But it will be remembered that according to Rufinus and John of Faenza the episcopal *officium* was only in part a governmental or administrative power. The remainder of this office consisted of that power by which the bishop was permitted to exercise his sacramental power in a given place and for a limitable period. Equally with Augustinus Triumphus we find the view that one aspect of the bishop's office or *potestas iurisdictionis* was simply the authorization for his use of *potestas ordinis*. It was a *potestas executionis*, which not only gave him the legal right to confer the sacraments, but also determined his ranking within the broad division of the episcopal order. Because he had received the episcopal degree of *potestas ordinis* he had become a bishop: but his office in the sense of executive power determined whether he should be a bishop, an archbishop, or a patriarch, and where his see should be.⁶ Episcopal power was not only divisible

¹ *Summa*, iv. 1, ad 2, p. 41: 'potestas autem iurisdictionis tolli potest aut per voluntariam cessionem aut per depositionem'; also iv. 2, p. 41.

² *Summa*, xxv. 1, p. 150: 'Ecclesia quae corpus Christi mysticum est'; vi. 5. ad 3, p. 61: 'Sed summus pontifex sic est caput in toto corpore mystico Ecclesiae quod nihil virtutis et auctoritatis a membris recipit sed semper influit'; also xxvii. 6, p. 164. For the development of this term see H. de Lubac, *Corpus mysticum: l'eucharistie et l'église au moyen âge* (Paris, 1944).

³ *Summa*, lxi. 3, p. 323: 'omnes fideles tam laici quam clerici sint membra Ecclesiae'.

⁴ *Summa*, i. 1, p. 2: 'Potestas iurisdictionis . . . est triplex, scilicet, immediata, derivata, et in ministerium data. Primo modo potestas iurisdictionis omnium spiritualium et temporalium est solus in papa; secundo modo est in omnibus episcopis et praelatis; tertio modo potestas iurisdictionis temporalis est in omnibus imperatoribus regibus et principibus saecularibus.'

⁵ *Tractatus de duplici potestate*, p. 495: 'Nam dicemus quod nomen episcopatus, archiepiscopatus et papatus est nomen potestatis iurisdictionis et potestatis ordinis'.

⁶ *Tractatus de duplici potestate*, p. 491: 'Sed potestas iurisdictionis est illa per quam aliquis potest exequi vel executioni mandare primam potestatem, quae est ordinis, in tali vel in tanta materia, secundum quod sua iurisdictionis est magis vel minus, universalis vel particularis.'

into *potestas ordinis* and *potestas iurisdictionis*, the powers of order and office, but this jurisdictional power was itself subdivided into a *potestas administrationis*, the power of a government official, and a *potestas executionis* by which the bishop was empowered to use his sacramental power.

Both *potestas ordinis* and *potestas iurisdictionis* were the powers of Christ, and were received by the pope as his vicar directly and immediately from him. His vicariate of Christ was both sacramental and jurisdictional. But this was not the case with the bishops: their vicariate of Christ was purely and simply a matter of *potestas ordinis*. Whilst Augustinus Triumphus' main object was to demonstrate the inferiority of the episcopal office by comparison with the papal, he did not hesitate to affirm that the bishops had a sacramental vicariate of Christ equal to that of the pope. All the apostles had received sacramental power by a *sufflatio sancti spiritus* at the same time, that is, after the Resurrection;¹ and so now all bishops possessed their *potestas ordinis* immediately from Christ by right of their succession to the apostles. Although a bishop actually received consecration at the hands of another bishop, his sacramental power came to him direct from Christ, as it had to the apostles. In this respect Peter had been no greater than the others; and the pope now, considered simply as a bishop, was not superior to any other bishop.² Every priest and bishop in the fulfilment of his sacramental function acted as a vicar of Christ and as a mediator between God and man.³ It was clearly not his possession of *potestas ordinis* which had made Peter the *princeps apostolorum*, or which now made the pope *caput Ecclesiae*.

¹ John xx. 22-23.

² *Summa*, i. 4, pp. 6-7: 'omnes apostoli simul cum Petro aequaliter receperunt potestatem ordinis a Christo, Ioannis 20, quando dictum est eis, *Accipite spiritum sanctum: quorum remiseritis peccata, remittuntur eis*; nec talis potestas ordinis singulariter fuit data Petro quam aliis discipulis, quia non est dictum sibi *Accipias* sed *Accipite*; sed personas apostolorum representant episcopi sicut papa gerit vicem beati Petri. Ergo omnes episcopi sunt aequales papae in potestate ordinis sicut omnes apostoli fuerunt Petro in praedicta potestate'; also i. 1, p. 2; iv. 1, ad 2, p. 41; iv. 2, ad 3, p. 42; xx. 4, ad 1, p. 124; xxv. 3, p. 151; lxxxviii. 1, ad 1, p. 439; *Tractatus de duplici potestate*, pp. 491-2.

³ Whilst Augustinus Triumphus made no direct reference to the bishops as vicars of Christ, he did accord this title to the apostles: *Summa*, xvi. 4, ad 3, p. 108; and we may note that he accepted the *propositiones* of lxi. 2, p. 322 and lxxxviii. 1, p. 438, which described the bishops as vicars of Christ and God. He did, however, explicitly refer to them as *medii inter Deum et populum*, xciii. 2, p. 457. See also Innocent III, *De primatu Romani pontificis: de s. altaris mysterio*, i. 9 (P.L. ccxvii. 779-80): 'Verumtamen et maiores et minores sacerdotes communiter in quibusdam vices gerunt summi pontificis, id est Christi, dum pro peccatis obsecrant et peccatores per poenitentiam reconciliant.'

But as regards *potestas iurisdictionis* there was for Augustinus Triumphus only one vicar of Christ, namely, the pope: 'potestas iurisdictionis residet solum in papa.'¹ He was the source of all governmental power exercised in the Christian society,² and consequently the bishops could derive their own jurisdictional capacity only from him. Augustinus Triumphus graphically described this power as flowing down to the bishops from the pope like rivers radiating from their source, or rays from the sun, or like roots spreading out from beneath a tree.³ And this applied not only to the episcopacy, but to all who held governmental positions in the *Ecclesia*. The extent of *potestas iurisdictionis* delegated to them by the pope determined the nature and powers of their offices. The proper allocation of functions could only be made by the head of the *Ecclesia*: the entire hierarchical system of officers by which it was governed was dependent upon the pope, the 'architector in tota ecclesiastica hierarchia vice Christi'.⁴ And so, whereas with the power of their order the bishops were mediators between God and the faithful, with *potestas iurisdictionis* the pope alone was the mediator. As jurisdictional vicar of Christ he stood between God and the bishops, whilst the bishops, equally with the lay rulers, merely acted as the link between the pope and the rest of the *societas fidelium*.⁵

Augustinus Triumphus repeatedly stressed that the basis for the papal jurisdictional vicariate was Christ's commission of governmental power to St. Peter alone.⁶ Whereas all the apostles had received equal sacramental power after the Resurrection, St. Peter was by then already

¹ *Summa*, i. 1, p. 2; also xxxvi. 3, p. 214: 'quantum ad universalem et totalem iurisdictionem, totalis enim et universalis dominus spiritualium et temporalium est ipse Christus et vicarius eius summus pontifex'.

² *Summa*, xxii. 3, p. 131: 'Princeps autem totius principatus mundi est ipse Christus, cuius papa vicarius existit . . . ubicunque autem est fons et origo ad quem omnia reducuntur.'

³ *Summa*, i. 1, p. 2: 'potestas episcoporum et praelatorum iurisdictionis temporalium et spiritualium est derivata et non immediata. Derivata enim est in eis a Christo mediante papa, quod patet tali ratione, sicut se habent rivuli ad fontem et radii ad solem, rami ad arborem, sic se habet potestas episcoporum ad potestatem papae.' This analogy was taken from Gratian, C. xxiv, q. i, c. 18, which was itself a quotation from Cyprian, *De unitate Ecclesiae*, 4. Similarly lxviii. 3, ad 2, p. 359: 'iurisdictionis potestas tamquam in fonte residet in papa, et ab eo tribuitur et restringitur in aliis'.

⁴ *Summa*, lxxiii. 3, p. 380.

⁵ *Summa*, iii. 5, p. 32: 'papa . . . debet esse medius inter Deum et alios pastores et praelatos Ecclesiae'; lxi. 4, ad 3, p. 324: 'verum esse praelatos esse medios inter summum pontificem et inferiores subditos'; i. 6, ad 2, p. 10: 'Sic et papa sua potestate spirituali aliqua temporalia et corporalia regit per seipsum, aliqua vero mediante potestate aliorum principum saecularium quorum potestas corporalis et temporalis est.'

⁶ Matt. xvi. 18-19.

established as the first vicar of Christ and *caput Ecclesiae* in preparation for Christ's departure from the earth. For this reason he was prince of the apostles, and from this stemmed the papal jurisdictional and magisterial primacy.¹ The other apostles had indeed received *potestas iurisdictionis* before Christ's passion and death,² but only after the jurisdictional vicariate had been set up in favour of St. Peter. Consequently the apostles could be said to have derived their jurisdictional power from St. Peter, in the same way that the bishops now derived it from the pope.³ This did not mean that Peter himself had exercised the power of the jurisdictional vicariate, that he personally had acted as *caput Ecclesiae*, whilst Christ was still on earth.⁴ To understand this, however, we must consider the nature of the jurisdictional vicariate of Christ. This vicariate was essentially an office, in which was embodied a plenitude of jurisdictional power. Its holder became *caput Ecclesiae* in place of Christ. This office had been instituted by the act of Matt. xvi. 18-19, and at the same time its first occupant, St. Peter, was designated. From now on the jurisdictional power of Christ resided in this office, and it was from this office that the other apostles obtained *potestas iurisdictionis* by Matt. xviii. 18—the apostles drew their power from Peter in the sense of obtaining it from the office which was now his by right.

¹ All this was explained by Augustinus Triumphus in terms of the power of the keys. By Matt. xvi. 19 Peter alone had received the keys. These were the key of power (*clavis potentiae*) and the key of Christian knowledge (*clavis scientiae*); but he was given the former only as regards *potestas iurisdictionis* at this stage: iv. 1, ad 2, p. 41: 'potestas clavium est potestas ligandi et solvendi et potestas discernendi quae, cum respiciat corpus Christi mysticum, importat potestatem iurisdictionis; unde ideo singulariter fuit data Petro'; see also i. 10, p. 15, xxx. 5, p. 185. But if the power of the *clavis potentiae* was that of binding and loosing, it had also a sacramental aspect, since all the apostles were expressly given the power to remit sins when they received *potestas ordinis* by John xx. 22-23: xxvii. 1, ad 2, p. 160: 'distinguitur clavis potestatis ordinis et potestatis iurisdictionis'; also lxxiv. 3, ad 3, p. 385. Peter therefore had first received the power of the keys only as regards *scientia* and *potestas iurisdictionis*, but had gained the power of the keys as regards *potestas ordinis* equally with the other apostles after the Resurrection. B. Tierney, op. cit., pp. 30-33, has pointed out that this division of the power of the keys into *scientia*, sacramental and jurisdictional power was made by Gratian and developed by the Decretists.

² Matt. xviii. 18.

³ *Tractatus de duplici potestate*, p. 496: 'licet potestas ordinis absolvendi et ligandi a Christo omnibus apostolis sit concessa, iudicariam tamen potestate solus Petrus accepit, nec alii apostoli talem potestatem receperunt nisi mediante Petro, et per consequens nec episcopi et alii praelati Ecclesiae recipiunt istam potestatem nisi mediante papa'.

⁴ *Summa*, lxi. 2, ad 3, p. 323: 'Christo praesente cum apostolis, Petrus non debebat exercere iurisdictionem suam, principali namque agente praesente, legati iurdictio cessat. . . Sed iam Christo absente . . . nullus umquam fuit exemptus a potestate Petri.'

Christ personally gave them this power, but it was Christ working through the Petrine office in which the power had been deposited by him. In granting jurisdictional power to the apostles Christ was, in a manner of speaking, acting as his own vicar. But whether Christ personally or Peter personally occupied the office was of no real consequence: it was the office itself which was all-important because it alone contained the power. In their capacity as office-holders Christ and St. Peter were identical. It was the papal office, the jurisdictional vicariate of Christ, which was the seat of power, not the individual pope himself. All who exercised *potestas iurisdictionis* obtained it from the pope as vicar of Christ, i.e. from the papal office, not from the pope as an individual person.¹

The full significance of this interpretation can only be appreciated when we realize how great an obstacle the biblical text Matt. xviii. 18 had so far proved itself to any attempt at providing an incontrovertible explanation of the reason for Peter's supremacy over the other apostles. Although the Petrine commission was the most important feature in the papal-hierocratic thesis, and the passage Matt. xvi. 18-19 was therefore stressed with almost monotonous regularity, Matt. xviii. 18 had been tacitly ignored or diplomatically glossed over by all previous papal writers. Yet in doing so they had concealed a dangerous weakness in the papal theory, since the bishops were clearly able on the strength of this passage to lay claim to a jurisdictional equality with the pope. The episcopalist writers were hard pressed to refute convincingly the view that Christ had in fact granted *potestas iurisdictionis* to Peter by Matt. xvi. 18-19, but Matt. xviii. 18 gave them a sound basis for the assertion that this same power had also been granted to all the apostles, and was consequently inherited by the bishops as their successors. Whilst he left the meaning of Matt. xviii. 18 unexplained the papalist had no real answer to this claim, and was forced to resort to other arguments in favour of a monarchically constituted *Ecclesia*. Yet the need to incorporate this text into the papal version of the Petrine commission was urgent, and for this reason Augustinus 'Triumphus' use and explanation of the two texts in conjunction with each other was by no means the least of the services which he rendered to the vicariate of Christ and the papal-hierocratic theory in general.

¹ *Summa*, xxxv. 1, ad 2, p. 206: 'Verum esse imperatorem gladium recipere a Deo eo quod a papa non recipit nisi ut est vicarius Dei. Non enim papa potest eligere imperatorem ut singularis persona quaedam, sed ut est successor Petri qui immediate a Christo caput Ecclesiae ordinatus est.' It was for this reason that the episcopal oath to the pope was made to the *papatus Romanus et regalia sancti Petri* (the *regalia* representing the papal office), and not to the pope himself; see W. Ullmann, *op. cit.*, pp. 332-7.

At the same time, however, this interpretation of Matt. xvi. 18-19 separated Augustinus Triumphus from the view held by the papacy itself. According to Augustinus Triumphus the act of Matt. xvi. 18-19 had not only designated Peter as the heir of Christ, but had actually established his vicariate. This office, therefore, although occupied by Christ himself, was already in existence from that time, and with the Ascension Peter succeeded automatically to it. There had to be no formal act of institution. But for the papacy this was not so. We may here refer to a statement of the papal position contemporary with our author. In his condemnation of Marsilius of Padua John XXII showed that the papacy regarded Matt. xvi. 18-19 as being no more than a promise. It made no change in the situation as it then existed, but simply described the power which would at a future date be granted by Christ to St. Peter.¹ This promise was implemented by John xxi. 15-17, when Christ said *Pasce oves meas*. For John XXII it was this which really established Peter as the vicar of Christ.² But to Augustinus Triumphus this had in effect already occurred with Matt. xvi. 18-19. Had then John xxi. 15-17 no special significance for him? On the contrary Augustinus Triumphus agreed that John xxi. 15-17 had given jurisdictional power to Peter, but it was jurisdictional power of another order to that given him by Matt. xvi. 18-19. Here was the necessity for the separation of *potestas iurisdictionis* into *potestas administrationis* and *potestas executionis*. All governmental power, he argued, had indeed been granted to Peter by Matt. xvi. 18-19 for use after the Ascension, but he could hardly have been given the executive power of a bishop when he had not at that time received the *potestas ordinis* by which he became a bishop.³ Peter gained this sacramental power by John xx. 22-23, and so could not have received the power to exercise it until a subsequent occasion. This was the meaning of John xxi. 15-17. It was this which made the pope the universal bishop as opposed to the supreme governor of the *Ecclesia*. It was true that Christ himself had continued to act as universal bishop, and had authorized the other apostles to carry out

¹ 'Et secundum hunc modum Christus videtur Petrum *praedixisse futurum Ecclesiae fundamentum dum dixit Tu es Petrus &c.*'; 'Constat enim quod a Christo Petro, et in persona Petri Ecclesiae, potestas coactiva concessa vel saltem promissa extitit, *quae quidem promissa fuit postea adimpletur*, cum sibi Christus dixit *Quodcumque ligaveris*'; Raynaldus, *Annales Ecclesiastici ad 1327*, xxiv. 324.

² '... sed a Christo, dicente sibi illud Ioannis, *Pasce oves meas: pasce agnos meos*, per quae verba ipsum suum vicarium generalem constituit'; see Raynaldus, *op. cit.*, pp. 323-4.

³ *Summa*, lxxxviii. 1, ad 1, p. 439: 'Verumtamen potestatem iurisdictionis qua possent potestatem ordinis exequi in tanta vel in tali materia non receperunt nisi a Petro post missionem spiritus sancti.'

their episcopal function, which he did by Matt. xxviii. 19–20 and Mark xvi. 20. But this was merely another application of the principle applied to Matt. xviii. 18: it was Christ operating through the Petrine office. Consequently, when Christ commanded the apostles to disperse and act as bishops in various parts of the world, this too could be said to have been done *auctoritate Petri*.¹ In this way Augustinus Triumphus once again emphasized the papal identity with Christ: the acts of one could be ascribed to the other.

This account of the origin of the papal vicariate of Christ effectively destroyed the claims of the bishops to absolute freedom from papal control in the government of their own sees. Moreover, the nature of this vicariate meant that the pope had what amounted to a double check upon the power of the episcopacy. If all jurisdictional power had to be obtained from him, the bishop's tenure of his office, his possession of governmental power, was dependent solely upon the will of the pope—and a bishop deprived of all but his sacramental power was no longer a figure of importance. Moreover, whilst the bishop's sacramental power could not be taken from him,² the pope was always able to deprive him of the right to use it. For although this sacramental power was held direct from Christ, the power to exercise it, being, as we have seen, a jurisdictional power, could be granted only by the pope. Without papal *auctoritas* even the sacramental power of the bishop remained latent. Consequently a bishop threatened with the loss of his office also faced the legal nullification of his sacramental power. In this sense both *potestas ordinis* and *potestas iurisdictionis* were dependent upon the pope. In practice, as Augustinus Triumphus pointed out, all ecclesiastical power derived from the pope.³ It could very well have been said that there was no power but from the vicar of God.

Perhaps one of the chief merits of this interpretation of the papal vicariate theory was its combination of the old-established view that all priests and bishops were vicars of Christ with the later theory by which a vicariate of Christ was attributed to the pope alone. Whilst it left the monarchical status of the papacy unimpaired, it still permitted any bishop the right to call himself a vicar of Christ and to regard himself as a mediator between God and man. On the other hand, as Augustinus Triumphus pointed out, it was still technically incorrect to refer to all priests and bishops as mediators in view of the Pauline statement that there was one mediator between God and man, namely, Christ.⁴

¹ *Summa*, lxxxiv. 1, p. 423: lxxxviii. 1, ad 2, p. 439.

² *Summa*, i. 1, ad 4, p. 3; lviii. 7, p. 307.

³ *Tractatus de duplici potestate*, p. 488.

⁴ 1 Tim. ii. 5. It is noticeable that Augustinus Triumphus did not apply this

But for Augustinus Triumphus what enabled the bishop to act as vicar and mediator was his possession of the sacramental aspect of Christ's power, the *potestas ordinis*. This was essentially the power of the order, not of each bishop individually: there were not many *potestates ordinis*, but the one *potestas ordinis* of Christ, in which every bishop and priest shared. Therefore it could be said that in their mediatory role all bishops were identical with one another and with Christ, in that they all had one and the same power. As Augustinus Triumphus put it, all bishops were one bishop, namely, Christ. The same was true of the popes in their exercise of the jurisdictional aspect of Christ's power. All popes were one pope, namely, Christ, in that all had the same office, in that they all participated in the possession of one and the same *potestas iurisdictionis*:

Quia sicut omnes sacerdotes non sunt nisi unus sacerdos, puta Christus, quantum ad potestatem conficiendi, quia omnes conficiunt in persona eius, sic omnes pontifices non sunt nisi unus pontifex, et omnes papae non sunt nisi unus papa, puta Christus, quia omnes recipiunt iurisdictionem et potestatem administrandi immediate ab eo.¹

The position of the bishop in the sphere of *potestas ordinis* was almost exactly analogous to that of the pope in the sphere of *potestas iurisdictionis*. Just as all popes were identifiable with each other in that they all held the same jurisdictional power, the power of the papal office, so all bishops were one bishop in that they used the power of the episcopal order, the *potestas ordinis*. And in the performance of their function *vice Christi* all were identifiable with Christ himself in having his power. Within the limits of their function as vicar of Christ, what applied to Christ was applicable to them. The papacy, considered as a combination of office and man, became as much a unity of the divine and the human as Christ himself had been.² The pope was unquestionably an ordinary human being, but his office was divine because it contained the power of Christ. Consequently the pope operating within his function as vicar of Christ, that is to say, in his official capacity, became a veritable God.³ Who could deny the magisterial and jurisdictional

text either to the pope or the bishops. On the sole occasion on which it was used (*Summa*, cx. 6, p. 551) it referred to Christ himself.

¹ *Summa*, iii. 8, ad 2, p. 36; also i. 6, ad 1, p. 10; lxxxviii. 1, p. 439.

² *Summa*, xliii. 1, ad 2, p. 238: 'qui est Deus et homo, puta Christus, cuius vicarius est ipse papa'.

³ *Summa*, i. 1, ad 2, p. 3: 'verum est potestatem imperialem esse a Deo, quia non est a papa ut est homo, sed est a papa ut gerit vicem Christi in terra, qui est verus Deus et verus homo'; also xxxviii. 4, ad 3, p. 327. Innocent III had said very much the same thing: *I Reg.* cccxxvi (Migne, P.L. ccxiv. 292): 'cum non humana sed divina fiat auctoritate quod in hac parte per summum pontificem adimpletur, qui non hominis puri sed veri Dei vicarius appellatur. . . . Unde

primacy of one who spoke with the words of God¹ and judged both the quick and the dead?² And since Augustinus Triumphus accorded the pope a *plenitudo deitatis*,³ we need hardly feel surprise upon learning that he could do anything: *papa omnia potest*.⁴ As *vicarius Christi*, the pope to all intents and purposes was Christ. It was no misnomer therefore to call him the founder of the Christian religion itself.⁵

To go before the pope acting in his official capacity was for Augustinus Triumphus to enter into the presence of God. *Deus* and *papa* had become synonymous terms, and the same honour was to be shown to the vicar as to God himself. But Augustinus Triumphus emphasized that this honour was not paid to the pope personally, but rather to the power contained in the office which that person occupied.⁶ A distinction between the function and the man was basic to the whole conception of the *vicarius Christi* theory. There were many individual popes, but all occupied the same office, the jurisdictional vicariate of Christ: there were many bishops, but all had the same order, the sacramental vicariate of Christ. Seen in this light individual personalities seemed relatively unimportant, and personal, as opposed to public, actions counted for

quos Deus spiritali coniunctione ligavit, non homo quia non vicarius hominis, sed Deus quia Dei vicarius, separat, cum episcopus a suis sedibus per eorum cessionem, depositionem et translationem aliquando removemus'; *I Reg.* cccxxxv (*P.L.* ccxiv. 306-7): 'Non enim homo sed Deus separat quod Rom. pontifex, qui non puri hominis sed veri Dei vicem gerit in terris, ecclesiarum necessitate vel utilitate pensata, non humana sed divina potius auctoritate dissolvit.' Zenzellinus de Cassanis, *ad Extravag. Ioh. XXII*, tit. xiv, c. 4 *in fine*, referred to 'dominum Deum nostrum papam'. See further, J. Rivière, 'Sur l'expression "papa-Deus" au moyen âge', *Misc. F. Ehrle*, ii (Rome, 1923), pp. 276-89.

¹ *Summa*, c. 1, p. 488: 'Unde eiusdem auctoritatis est doctrina summorum pontificum, cuius est doctrina Christi, sicut eiusdem auctoritatis est veritas principalis auctoris et eius vicem gerentis'; vi. 1, p. 57: 'Solum papa dicitur esse vicarius Dei, quia solum quod ligatur vel solvitur per eum habetur solutum et ligatum per ipsum Deum. Sententia igitur papae et sententia Dei una sententia est . . . unum consistorium est ipsius papae et Dei . . . una sententia et una curia Dei et papae.'

² *Summa*, xlv. 1, p. 249: 'Papa sit iudex vice Christi vivorum et mortuorum'. The reference is to Acts x. 42.

³ *Summa*, xix. 2, p. 118.

⁴ *Summa*, xxi. 1, ad 1, p. 127.

⁵ *Summa*, lxxiii. 3, ad 3, p. 373: 'tota religio christiana a papa nominatur quia nominatur a Christo, cuius vicarius ipse existit'.

⁶ *Summa*, ix. 1, p. 72: 'quia honor debetur potestati, sed una est potestas Christi, secundum quod deus, et papae'; but it was idolatry to pay this honour to the pope himself, ix. 2, p. 73. This distinction between the power and the person who exercised it was by no means new: e.g. the Anglo-Norman Anonymous, *Tractatus Eboracenses*, iv (*M.G.H.*, *Lib. de Lit.* iii. 671): 'Reddite potestati, non personae. Persona enim iniqua, sed iusta potestas.'

little. This point was very well illustrated by Augustinus Triumphus: the pope could perfectly well commit simony or fornication, in fact any mortal sin except heresy, without thereby becoming any the less a true pope. For these were only personal actions, not the actions of the pope in his official capacity as vicar of Christ.¹ It was the performance of his function which mattered, not the man himself; and in that the function was the same for all, there should be little to choose between one pope and another. For this reason personalities become almost incidental to what was essentially the history of the papacy. By virtue of assuming the same office all popes had an identical policy, which individuals simply implemented to a greater or less degree.

M. J. WILKS

[The concluding part of the article will appear in the next number of the Journal.]

¹ If, however, he ordered such things to be done, or openly approved of them, he was to be regarded as acting in an official capacity, since his function as pope was to promulgate the right manner of life in a Christian society: *Summa*, v. 4, ad 3, p. 53: 'papam esse incorrigibilem potest intelligi dupliciter. Primo per ipsius criminis vel peccati continuationem, puta quod monitus non propter hoc desistat a peccato fornicationis vel alio accusationis digno. Secundo per ipsius criminis pertinacem *defensionem* ut quod *defendat* et *dicat* tale crimen habens circumvolutam malitiam non esse peccatum, ita quod crimina prohibita iure divino *laudaret* et *defenderet tamquam licita*. Prima igitur incorrectio et contumacia non facit papam desinere esse papam. Sed secunda puto quod sic, quia talis incorrectio et contumacia aequipollent haeresim.' The pope did not cease to be pope simply because he was in a state of mortal sin. Indeed this strict division between his official and personal capacities should logically make it possible for the pope to remedy this by granting an indulgence to himself: xxix. 2, p. 176: 'papa potest dare indulgentiam sibiipsi . . . sed ut est membrum Ecclesiae recipit et ut est caput dat'.

with compliments,

ML

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PAPA EST NOMEN IURISDICTIONIS:
AUGUSTINUS TRIUMPHUS AND THE
PAPAL VICARIATE OF CHRIST

II

THE papal theory of the vicariate of Christ as elaborated by Augustinus Triumphus was based upon two distinctions. On the one hand it involved a differentiation of the powers of order and office, and, according to this, the pope could be said to have a double vicariate of Christ, one as regards sacramental power, the other in jurisdictional power. He participated in this sacramental vicariate in common with all bishops and priests, but the jurisdictional vicariate of Christ was his alone. Consequently we may say that the vicariate of Christ attributed to the pope from the twelfth century onwards was essentially a governmental conception. On the other hand the pope became supreme governor and gained this jurisdictional power only by coming into possession of an office in which the power was contained. This office, the *vicariatus Christi*, had been established by the Petrine commission, and had then passed to all the Roman bishops. But the view that the power pertained to the office rather than to the pope himself entailed a second distinction. No one could deny that the pope was a man, and so he was considered in his private capacity. But he was a man united by his office to a divine power, and for this reason he was also in his public capacity identifiable with God. Therefore, according to Augustinus Triumphus, the pope could be considered either as an individual person or as the holder of the papal office: 'potest ab ipsa persona vel illa separari papatus.'¹ As an individual he was merely the latest in the long series of individuals, of whom the first had been Peter, who had held this vicariate. In this personal sense then the pope was no more than the successor of Peter. But the office of the vicariate of Christ had been established to enable the holder to govern the *Ecclēsia* in place of Christ himself. Therefore whoever obtained the papal office succeeded Christ in the performance of this function: as vicar of Christ and head of the Universal Church the pope was also the successor of Christ.

Papa succedit Petro in personali administratione, . . . Christo autem succedit in officio et in universali iurisdictione, quia Petrus in persona omnium summorum pontificum recepit universalem iurisdictionem a Christo.²

¹ *Summa*, iv. 3, p. 42.

² *Summa*, xix. 4, pp. 119-20; also viii. 3, p. 70; xxix. 5, ad 3, p. 178: 'sicut

To Augustinus Triumphus the vicariate of Christ theory meant that the pope actually replaced Christ. To be a vicar implied no inferiority, no lessening of power, in contrast with the original, but meant only that another person acted in his place. Opposition to the pope acting in his official capacity was therefore opposition to Christ himself. And the constitutional relationship between the pope and the bishops was now not merely that which had existed between St. Peter and the other apostles, but was the same as that between the apostles and Christ. Whatever the power of an apostle, he could not have claimed comparison with his master, and no more could any bishop claim equality with the pope.

Yet the pope as a bishop was no superior to the other bishops. The headship of Peter over the apostles, of any pope over the bishops, was due entirely to the jurisdictional vicariate of Christ. It was simply by his possession of all *potestas iurisdictionis*, by his office, that the pope became *caput*.¹ The papal office, the *officium capituli Ecclesiae*, was purely a jurisdictional matter: 'papatus est nomen iurisdictionis et non ordinis.'² To be a pope it was only necessary to possess the office, the jurisdictional power, of a pope. This office was obtained by election alone: 'papa eligitur in caput totius Ecclesiae.'³ It was the office which was the essence of the papacy: election was all that mattered. Consecration alone could make him a bishop, but he did not need to be or become a bishop to be pope. The pope as pope and the pope as a bishop were two entirely different things.⁴ Indeed, since the papacy itself had got

apostoli indulgentiam auctoritate Christi dabant, sic episcopi auctoritate papae, qui loco eius successit post Christi resurrectionem et ascensionem in officio.' M. Maccarrone, *op. cit.*, has pointed out that the vicariate of Christ made the pope a substitute for Christ with Huguccio, 'Item a vice vicarius . . . vel per vices succedens, vel vicem domini vel alterius agens' (cited p. 118), and Innocent III, 'quia [Petrus] in officio vicarium sibi substituit Dominus' (cited p. 110). The term *successor Christi* had been used of the pope by Arnold of Lisieux in 1133 (see p. 94).

¹ *Summa*, iv. 1, ad 3, p. 41: 'potestas papae distincta est ab omnibus quia solus ipse assumptus est in plenitudinem potestatis totius Ecclesiae: non tamen talis distinctio dicit alterius potestatis ordinis . . . quia nihil potest papa in potestate ordinis nisi quantum potest presbyter vel simplex episcopus. Dicit ergo talis distinctio potestatis aliam iurisdictionem solum.'

² *Summa*, iv. 2, p. 42.

³ *Summa*, v. 1, p. 50.

⁴ *Summa*, lxxiv. 1, p. 383: 'Papa enim ut papa est, non potest nisi per electionem; in quantum vero est sacerdos vel episcopus, potest esse per consecrationem'; also xx. 5, ad 1, p. 125; xxv. 3, p. 151; lxx. 4, ad 1, p. 346. B. Tierney, *op. cit.*, p. 39, n. 2, notes that a distinction between the pope *ut papa et caput Ecclesiae* and the pope as bishop of Rome can be traced in the work of the late twelfth-century Decretists—for example, the *Summa Parisiensis* (ed. T. P. McLaughlin, Toronto, 1952). The passage in question is *ad Dist.* lxx. 6 (p. 57): '*Mos antiquus*: Quaelibet provincia habet ius suum ut Alexandriae

nothing to do with *potestas ordinis*, it was not necessary for him to be ordained at all. A layman elected to the papal office was at once a true pope:

Puto quod supposito quod esset laicus et non esset constitutus [in] sacris, electus in papam esset verus papa et haberet omnem potestatem iurisdictionis papalis.¹

and had immediate use of all the powers of the papal office: *statim habet omnem papalem iurisdictionem*.² Whatever the time lag between the papal election and the pope's consecration as bishop of the Roman church, he was able to act at once in all matters which concerned the determination of the faith and the government of the *Ecclesia*.

Nevertheless the pope could not make other bishops until he had been consecrated. To do this he had to possess the episcopal degree of *potestas ordinis*: only then could he transfer sacramental power into a bishop-elect. It was therefore desirable for every pope to be a bishop. If a layman was elected pope there would be a situation in which the pope himself could carry out no sacramental function, but was fully capable of permitting or prohibiting others the use of theirs. All of which served to underline that just as the essence of being a pope was the possession of *potestas iurisdictionis*, so the possession of *potestas ordinis* was essential to being a bishop or a priest. The office was not enough to make a man a bishop. A layman could perform all the jurisdictional duties of a bishop, but this did not make him one—he remained a *non-episcopus*.³ Just as the essential act in the creation of a pope was

patriarchatus ordinet in Aegypto et in Lybia et in Pentapolim. Et Romano pontifici sit *parilis mos*, i.e. nullus de patriarchatu suo, i.e. de vicinis episcopis, ordinetur eo inconsulto, et hoc propter ius patriarchatus est. Dominus papa Romanus pontifex est patriarcha illius provinciae, et est apostolicus totius orbis; non tamen pro ordinatione cuiuslibet episcopi consulitur, sed pro omnibus sui patriarchatus.⁴

¹ *Summa*, iv. 2, ad 1, p. 42; also see iv. 1, p. 40; xx. 5, p. 125; lxxiv. 2, ad 1, p. 384. This would seem for Augustinus Triumphus to be a logical inference from Matt. xvi. 18–19. Peter had no episcopal character at that time, but was granted full governmental power.

² *Summa*, iv. 5, p. 46. The view that the elected person was *verus papa et caput Ecclesiae* immediately from election can be found in Huguccio, *ad Dist.* lxxix. 9: see B. Tierney, *op. cit.*, p. 28. Innocent III, a cardinal-deacon at his election on 8 January 1198, exercised full papal jurisdiction between then and the episcopal consecration which preceded his coronation on 22 February. The first layman to be elected pope was Leo VIII in 963. According to the *Codex Iuris Canonici* it is still possible today for a layman to become pope: see the Constitution of Pius X *Vacante sede apostolica* (25 Dec. 1904), no. 90: 'Quod si electus nondum sit presbyter vel episcopus, a decano collegii cardinalium ordinabitur et consecrabitur.' The diplomatic formula used between the election and the consecration of a non-ordained pope was 'N. episcopus electus, servus servorum Dei'.

³ *De potestate collegii mortuo papa* (ed. R. Scholz, *Die Publizistik*, pp. 501–8

election, not consecration, so the vital creative act for a bishop was consecration and not election. Until a man had been consecrated he could not be regarded as a bishop.

This stress by Augustinus Triumphus upon the jurisdictional nature of the papacy, his insistence that the pope was before all things the supreme governor of the *congregatio fidelium* and that there was nothing episcopal about the papacy as such, meant that the development of the vicariate of Christ had wrought a considerable change in hierocratic thought. This amounted to no less than a complete separation of the papacy from the Roman church. Whatever the Roman church might be, it was unquestionably an episcopal see. Yet if the pope, *qua* pope, had no necessity to be a bishop, it followed that he did not need to be the bishop of Rome, that the Roman church had ceased to be an essential constituent of the papacy. It would seem probable that the comparatively scanty references to the Roman church in the work of Augustinus Triumphus are indicative that he fully appreciated this fact. Just how great a revolution in hierocratic thought this was requires some explanation. We must be clear that in the general papal theory the Roman church was held to be the quintessence of the papal position. St. Peter, it was said, had been the vicar of Christ. Therefore it was only because the pope succeeded Peter that he too became a vicar of Christ. Hence the usual papal formula 'nos sumus successores Petri et vicarii Christi'. But the pope only became the successor of Peter by obtaining the Petrine see, the Roman church. This alone enabled him to exercise the powers committed by Christ to St. Peter. The papal-Petrine powers were embodied in the Roman church, and it was by becoming bishop of Rome, by his marriage to the Roman see, that the pope acquired them.¹

at p. 502): 'Similiter dicimus potestatem episcopi esse potestatem ordinis, quae est characteris perfectio; sed potestas iurisdictionis sacerdotis aliquando potest esse et potest remanere in non-sacerdote, et potestas iurisdictionis episcopi esse potest et remanere in non-episcopo.' For this reason he rejected Huguccio's opinion (*ad Dist.* xcvi. 1) that the pope could grant episcopal powers to a priest without episcopal consecration, *Summa*, lxxiv. 2, p. 384. On the other hand, provided that he did not act specifically as a bishop, a layman could be granted any power which a bishop would normally exercise by virtue of his office: lxxiv. 3, p. 385: 'ex commissione papae puto quod laicus potest excommunicare, beneficia ecclesiastica conferre, et omnia facere quae ex iurisdictione proveniunt.' This included the right to preach (lxiv. 1, p. 337; lxiv. 2, p. 338; lxiv. 3, ad 2, p. 339; lxiv. 5, p. 341; lxiv. 6, p. 341), to grant indulgences (xxix. 8, p. 180; xxix. 9, p. 181), and to excommunicate and deprive of the sacraments (xxvii. 1, p. 160; xxvii. 5, p. 163).

¹ See, for example, the bull of Clement VI (24 May 1343) in S. Baluzius, *Vitae Paparum Avenionensium*, iv (ed. G. Mollat (Paris, 1914-27), p. 8): 'In sacra Petri sede, cuius sumus licet immeriti successores, in plenitudinem potestatis assumpti, tunc potestate ipsa laudabiliter utimur.' This is still modern

Those powers were since the twelfth century held to constitute a direct vicariate of Christ, but in other respects there was no change from the time when the papacy claimed no more than a vicariate of Peter.¹ The Roman church remained the basis for the papal vicariate of Christ; the pope was still primarily the bishop of Rome. But a pope who was not a bishop could hardly sit upon the *sedes Petri*, nor therefore assume the *primatus Petri* contained within it. For this reason the papal election was essentially an episcopal one: the process was not complete until consecration had taken place. Only then could the elected person be declared pope by the formal act of coronation. This did not deny the ability of the pope to act in a jurisdictional capacity from election, since any bishop could exercise jurisdictional power from this point.² But he did so simply by virtue of election to the Roman bishopric, because he was the *electus episcopus* of the Roman church in which were contained his papal powers. The papal office was bound up with the apostolic see. It was headship of the Roman church which made the pope *caput Ecclesiae*. And so we may often find the papal office (now termed by Augustinus Triumphus the jurisdictional vicariate of Christ) referred to as the Roman church. This view also, it may be noticed, presupposed a distinction between the power and the individual who exercised it, between the pope as a person and the pope as successor of St. Peter. Papal power was contained in the Roman church, the Petrine see, not in the individual pope. The individual only obtained his use of this power through his occupation of the see wherein it rested. The see, and the power within it, remained constant: the individual pope or bishop of Rome changed frequently. And so the distinction between the office and the man clearly apparent in Augustinus Triumphus' conception of the vicariate of Christ was foreshadowed in his predecessors' separation of the sitter and the see.³

doctrine: see the constitution '*Pastor aeternus*', c. 2 of Pius IX (18 July 1870): 'Unde quicumque in hac cathedra Petri succedit, is secundum Christi ipsius institutionem primatum Petri in universam Ecclesiam obtinet.'

¹ See W. Ullmann, *op. cit.*, pp. 2-9.

² This was expressly stated by Augustinus Triumphus, *Summa*, lxxxiv. 1, pp. 422-3: 'In praelatione autem eorum tria possumus considerare: primo potestatis iurisdictionem, quae confertur in electione; secundo spirituales consecrationem, quae confertur in ordinatione; tertio executionem. . . .' In this, as we have shown, Augustinus Triumphus was merely following on the work of Rufinus and the other Decretists.

³ This was most clearly brought out at the beginning of the tenth century by Auxilius, *Infensor et defensor*, xviii (Migne, *P.L.* cxxix. 1089) and *De ordinationibus papae Formosi*, xxxv (*P.L.* cxxix. 1073): 'Aliud sunt pontificales sedes, aliud praesidentes.' The schismatic cardinals of 1084 also referred to the difference between the *sedes* and the *sedens* (*M.G.H., Lib. de Lit.* ii. 418).

Now, however, with the vicariate of Christ as understood by Augustinus Triumphus the pope became pope, the holder of the plenitude of jurisdictional power which gave him the headship of the *Ecclesia*, simply by his election to the office instituted by Christ: *Papa eligitur in caput totius Ecclesiae*. As we have seen, in this office he was the successor not only of Peter but of Christ himself. The papal position, which had hitherto owed so much to the papal descent from St. Peter through the medium of the Roman church, was now for Augustinus Triumphus an immediate successorship to Christ. But, he argued, Christ had held the government of the whole world in his hands: he had had no ties with Rome or the Roman church, which had not in fact existed during his life on earth. So therefore the pope became a truly universal ruler as vicar of Christ, having no necessary connexion with Rome or the Roman church. It was merely appropriate for him to identify himself with the Roman church, the see of Peter whose successor he personally was. The connexion between the pope and the Roman church and Rome was the essentially personal one between himself and Peter, not the official one between himself and Christ.

Papa iurisdictionem universalem recepit a Christo in persona Petri quia, sicut Christus passus est pro omnibus, ita papa vice Christi in omnes christianos iurisdictionem episcopalem habet; quia tamen personaliter succedit Petro, ideo illius ecclesiae [scil. Romanae] singularem administrationem habet.¹

If the individual pope was, or became, a bishop he should hold the apostolic see, but the link between the Roman church and the pope had been reduced to a mere personal one. If the pope was a bishop he ought to have the see of him whom he personally succeeded, but tenure of the Roman church was not necessary for him to hold the papal office: for that he was qualified simply by his election to the jurisdictional vicariate of Christ, the governmental headship of the *Ecclesia*. The papal successorship to Peter had now no constitutional importance. The position of the pope was no longer dependent upon the Roman church: rather the pre-eminence of the Roman church was dependent solely

¹ *Summa*, xix. 4, ad 2, p. 120; also xix. 4, ad 1, p. 120: 'Non quaelibet ecclesiali praerogativa honorata est praesentia beati Petri, cuius successor papa est in vita et in morte, sicut Romana ecclesia; et ideo nec papa quamlibet ecclesiam debet praesentia administratione in curam assumere sicut civitatem Rom[an]am.' We may note here how Augustinus Triumphus emphasized that the Roman connexion was the personal one with the pope as *successor Petri*: a dead pope was still a successor of Peter, but he ceased upon death to be vicar of Christ (viii. 3, p. 70). A dead pope could be condemned for heresy because he would be tried in a personal capacity, not as vicar of Christ, i.e. holder of the papal office (v. 7, p. 55).

upon its being the papal see.¹ Similarly Rome itself was now *caput orbis* simply by being the *urbs regia*, the chosen city of the vicar of Christ.² But the pope normally resided at Rome rather as a bishop than as pope, or simply because it was the most convenient place for the government of the *Ecclesia*, not because papal power was intimately connected with Rome. As vicar of Christ the pope was not bound to reside in any specific place—the earth was his footstool:³ a doctrine of obvious usefulness when the papal court was situated at Avignon. Neither Rome nor the Roman church had any essential connexion with the pope *ut papa est*.

This theoretical separation of papacy and Roman church represents the last stage in the erection of the papal monarchy into a truly universal power. In the early medieval period the local connexion between the papacy and Rome was of incalculable importance to the papal-hierocratic theory. Indeed it was only by the capture of Rome that Christianity had itself become a universal force. Rome, the undisputed head of the ancient world, did not lose its traditional supremacy when that world became Christian. It passed naturally into being the focal point of the Roman-Christian society which comprised the Universal Church. For the papalist any doubts about this could be dispelled by pointing to the fact that it had also been the city of SS. Peter and Paul. The arrival and martyrdom there of the two great apostles had at once, it seemed, earmarked the Roman city and church as the indubitable centre of Christianity. The universality of papal power rested therefore upon the assured eminence of Rome and the Roman church. Because the pope governed from Rome, because he held the apostolic see which embodied the all-embracing power committed to St. Peter, his rule reached to the ends of the earth. The strength of the papacy lay in its having the closest possible link with Rome, and a divorce between the pope and the Roman

¹ The change in emphasis can be clearly seen in Sybert of Beek, *Reprobatio sex errorum*, c. 3 (ed. R. Scholz, *Unbekannte kirchenpolitischen Streitschriften* (Rome, 1911-14), ii, pp. 3-15, at p. 12): 'dico quod negantes Petrum et eius successores esse Christi vicarios et caput Ecclesiae post Christum, et per consequens Romanam ecclesiam esse caput, matrem et magistram omnium Christi ecclesiarum per mundum, scismatici sunt censendi'.

² *Summa*, xxi. 3, p. 128: 'sed potius Romae ubi caput Ecclesiae Christus statuit quiescendum ipse debet corporalem residentiam facere. Quamvis enim ipse Christus personaliter ipsam Romam non elegerit . . . voluit tamen illam sublimare praesentia beati Petri, cui clavis Ecclesiae tradidit, et omnes successores.'

³ *Summa*, xxi. 1, p. 126: 'Papa non necessitatur residere in aliquo determinato loco quia vicarius est illius cuius sedes coelum est et terra scabellum eius pedum (Isa. lxvi. 1). . . Sed si quaeritur de congruo, multum conveniens est ut Romae papa communiter suam residentiam faciat.'

bishopric or city could only have been a source of weakness at a time when the papacy was still seeking to establish itself in a hostile world. It was his hold upon Rome and the Roman see which gave the pope his universal character. But by the thirteenth century the papacy was firmly established as the dominant force in Europe, and the tie with Rome was coming to lose some of its usefulness. As Rome became more of an Italian as opposed to a universal city, so the Roman connexion began to be a possible hindrance instead of a positive support to the papal universality of rule. It tended to localize the papacy; and much the same could be said of the Roman church. Indeed, with the aspirations of the cardinals mounting steadily higher, the union of pope and Roman church presented a very definite threat to papal independence of action. Rome and the Roman church had in fact served their purpose, and, as Augustinus Triumphus saw, might now with advantage be discarded. He realized that they had ceased to be vital to the papal position, and he had no hesitation in thrusting them into the background. But if the Petrine see was to diminish in importance, so must the corresponding link with St. Peter himself. The vicariate of Christ reduced Peter to no more than another pope: it was the papal link with Christ which became all-important. Christ's office, not Peter's see, was now held to be the basis of papal power, because a direct successorship to Christ could alone emancipate the papacy from the Petrine heritage with all its local Roman ties. The papal identification with Christ had to be emphasized at the expense of the successorship to Peter, and this could not be done whilst papal power was dependent upon the Roman church. Above all others Augustinus Triumphus saw how the vicariate of Christ could be made to achieve this result. But he also realized that in order to free the pope from the Roman bishopric it was necessary to rid him of his episcopacy altogether. Only a lay pope could not be bound to Rome through the connexion with the Roman church. Even a trace of sacerdotal character could be dangerous to the supreme governor. And so the emphasis passed from the episcopal to the royal, from the theocratic to the bureaucratic. The hitherto vital principle that the priesthood alone was functionally qualified to govern a Christian society could safely be put aside. The pope was essentially a man of government, and all his necessary attributes were shaped by the needs of government. When this attitude was sufficiently emphasized the need for ordination came to appear as being less of a desirable qualification, and more of a possible barrier between the elected pope and his assumption of the supreme jurisdictional power which provided his *raison d'être*. To this way of thinking a fundamentally theological requirement could not be allowed to impose any restraint upon the jurisdictional omnipotence of

the vicar of God. The stress upon the value of ordination, so useful a weapon for the hierocrat against the claims of the lay princes, was no longer needed when the papal superiority could be demonstrated by the much simpler concept of the vicariate of Christ, and was almost unwelcome when ordination began to appear as a brake upon the absolute independence of the pope in the sphere of government. In fact all these former supports to papal power, the association with Rome, the identification with the apostolic see, the succession from Peter, and the headship of the *sacerdotium*, were becoming liabilities rather than assets, and were largely dispensed with by the papal-hierocratic theory in its maturity. They had served to raise up the papacy as it struggled to assert itself in the early medieval world, but they had outlasted their utility and might now prove burdensome. Their rejection naturally denied much that had been part and parcel of the hierocratic system since birth, but it would give the papacy the absolute freedom of action for which it sought. In this sense the move to Avignon could be seen as a vindication of the new orientation of papalist thought. It demonstrated that the papacy had snapped the links which bound it to a definite place and a specific local church. More than anything else it denoted that the papacy had become a truly universal monarchy. The 'Babylonish captivity', commonly regarded as being in fact the nadir of the medieval papacy, was in theory its crowning triumph.

The papacy in the fourteenth century survived the move to Avignon only to fall victim to the far more dangerous menace of conciliarism. The disastrous double election of 1378, which inaugurated a half-century of schism and disruption from which neither the papacy nor the medieval Church ever fully recovered, meant that in spite of Avignon the papacy had not succeeded in freeing itself from the Roman church. The rejection of Urban VI by the cardinals indicated that the papacy was still primarily considered to be the apostolic see. The pope remained in principle, if not in name, a vicar of Peter rather than of Christ: and whilst he emphasized his Petrine heritage and his identity with the Petrine see the constitutional relationship between pope and cardinals continued to be an ever-present problem.¹ In spite of the development of the vicariate of Christ the papacy was unable or unwilling to reject the view that the Roman church, the *cathedra Petri*, contained all the power committed by Christ to Peter and his successors. It was the

¹ The whole problem of the Roman church has been discussed by W. Ullmann, 'Cardinal Humbert and the *ecclesia Romana*', *Studi Gregoriani*, iv (Rome, 1952), pp. 111-27; B. Tierney, *Foundations of the Conciliar Theory* (Cambridge, 1955).

Roman church which was held to constitute the real vicariate of St. Peter. For this reason the pope, by obtaining the see of Peter, had the power of Peter: with this power he became the universal governor of the *Ecclesia*. But the power was essentially the power of the see, of the Roman church, not of the pope himself. It was therefore strictly correct to make the Roman church rather than the pope the *caput Ecclesiae*.¹ And if all the governmental power in the universal Christian society was concentrated in the Roman church rather than in the person of the pope, the implication was that the pope alone was not necessarily the same thing as the Roman church. It could hardly be denied that the cardinals were also members of the *ecclesia Romana*. The pope was undoubtedly superior as head of the Roman bishopric, in the same way that a bishop was superior to his chapter, but both pope and cardinals had an equal right to be considered as part of the apostolic see. And since the whole governmental power of the *Ecclesia* was contained in the Roman church, the cardinals thereby gained a share in the papal jurisdictional primacy. The papacy in fact consisted not only of the pope but of the cardinals too: the cardinals were *pars corporis papae*. All partook, by reason of their membership of the Roman church, in the supreme government of the Christian world. And this being the case, the defection of the pope did not leave the *Ecclesia* entirely headless. If, as canon law expressly stated, the pope could be judged (and so deposed) for becoming a heretic,² this view left little room for doubt that the cardinals were the proper people to sit in judgement over him. Indeed from the time of the institution of the college of cardinals there was here a very real threat to the monarchical status of the pope.

To Augustinus Triumphus, however, this problem no longer existed. The pope was above all things the vicar of Christ, and possession of this vicariate in itself gave him the headship of the *Ecclesia*. The election of the pope was primarily *in caput totius Ecclesiae* not *in apostolicam sedem*, to the papal office not the Roman church. The elected person received full jurisdictional power from the moment of his election, and was in every respect a *verus papa*, even though a layman, simply because *papa est nomen iurisdictionis*. As pope, as supreme governor of the *Ecclesia*, he was already identifiable with Christ. St. Peter had certainly been the first to occupy this office, but the pope still had no essential connexion with the Roman church. He might well be an *electus episcopus*, because in a secondary sense the papal election was also a Roman episcopal one,

¹ e.g. Gratian, *Dist.* xxiii. 2: 'apostolica sedes est caput et cardo omnium ecclesiarum a Domino et non ab alio instituta.'

² Gratian, *Dist.* xl. 6: 'a nemine est iudicandus nisi deprehendatur a fide devius.'

but he could not become a bishop without consecration. Until he had received *potestas ordinis* he had no right to the title of bishop. But the Roman bishopric as such had no direct bearing upon his becoming pope. Consequently the importance of the Roman church *vis-à-vis* the papacy was drastically reduced, and could well be ignored when the governmental function of the pope was under consideration.

Correspondingly the cardinals fulfilled a dual function in making the election. Augustinus Triumphus distinguished carefully between what we may call the official capacity of the cardinals and their clerical one. Just as the pope was on the one hand vicar of Christ and universal governor and on the other hand bishop of the Roman church, so the cardinals had both an official capacity as papal electors and advisers, and a clerical function as members of the Roman church.

Sicut papa, non obstante quod sit universalis Ecclesiae pastor, est tamen singulariter praetitulatus episcopus et Romanus pontifex . . . sic cardinales, non obstante quod sint iudices et principes totius mundi iuxta illud *Psal.* 44, *Constitues eos principes super omnem terram*, praetitulantur in titulis ecclesiarum Romae et in districtu Romanae urbis existentium, unde clerici Romanae ecclesiae appellati sunt.¹

Their official capacity, however, depended entirely upon the pope, not on their connexion with the Roman church, since all office-holders were dependent upon the jurisdictional vicariate of Christ. They had no means of limiting the absolute power of the pope: he was not, for example, bound to accept their counsel or even ask for it.² Moreover, no officer had an inalienable right to his office, and the cardinals no more than others. Although as clergy of the Roman church they were canonically entitled and bound to elect the Roman bishop, they had no absolute and autonomous right to elect the person who should occupy the office of *vicarius Christi*.³ The election of the pope had no specific connexion with the Roman church: it was simply by the will of the pope that the cardinals, the *clerici Romanae ecclesiae*, were authorized to elect him,⁴ and consequently this gave them no basis for claiming to judge

¹ *Summa*, iii. 1, ad 2, p. 28.

² *Summa*, vi. 5, p. 60: 'cardinales assistunt papae sicut consiliarii et sicut famulantes et servientes sibi'; vi. 5, ad 2, p. 61: 'non est de ratione papae ut papa determinare vel ordinare negotia Ecclesiae de consilio cardinalium. Potest enim sine eorum consilio talia expedire et determinare'; xiv. 3, p. 97: 'potestas papae non limitatur in aliquo nec dependet a collegio, sed potius e converso'; see also cii. 3, p. 503.

³ To emphasize this Augustinus Triumphus declared that at one time the *ius eligendi* had been granted by the pope to the Roman people and at another time to the emperor: *Summa*, iii. 1, p. 27. This *ius eligendi* was always revocable by the pope: see xxxvi. 2, ad 2, p. 214.

⁴ For Augustinus Triumphus the cardinals' election was a mere nomination, for which they had already been authorized by the fact of their appointment by

and depose him once he had assumed the papal office. It would, said Augustinus Triumphus, be a *magna dementia* to imagine that one could appeal to the cardinals against the pope. They had no control whatsoever over him in his capacity as vicar of Christ.¹ The connexion between the pope and the Roman church was essentially a personal-episcopal one, not an official-papal one. And in both capacities the cardinals were subordinate to him: from the official point of view as papal electors and assistant governors, in that all offices were derived from the pope as vicar of Christ; and from the clerical point of view as electors and *clerici* of the Roman church, because the pre-eminence of the Roman church itself depended upon its link with the vicariate of Christ through the person of the pope. If and when the pope became a bishop the Roman church was united to the papacy: but as it stood it had no essential (i.e. official) connexion with it. When Augustinus Triumphus discussed the basis of papal power he could afford to ignore the Roman church in favour of the vicariate of Christ alone. It was the pope by himself as vicar of Christ, not the Roman church comprising pope and cardinals, which held the headship of the *Ecclesia*.²

Although Augustinus Triumphus had rejected the claim of the cardinalate to judge the pope, this in itself had done nothing to solve the far more intricate question posed by the *Decretum* pronouncement—'papa a nemine est iudicandus nisi deprehendatur a fide devius'. All he had so far attempted to do was to avoid the threat to the papal position inherent in the cardinals' view that they themselves should do the judging. By rejecting that claim he had also rejected a possible solution to the main problem, and one which had gained for itself a fair degree

the pope: *Summa*, iii. 7, p. 35: 'Cardinales possunt papa mortuo eligere et terminare personam hanc vel illam ita ut fungatur auctoritate papatus super universalem Ecclesiam, et hoc non nisi auctoritate papae, quia quod ipsi cardinales sint deputati ut possint eligere et terminare personam hanc vel illam ad papatum non nisi auctoritate papae hoc faciunt'; also vi. 5, ad 1, p. 61. This nomination was then confirmed by the pope after election, and consequently as vicar of Christ, by his subsequent consent to his own election: *Summa*, iv. 5, p. 46: 'papa seipsum confirmat suae electioni consentiendo'; also ii. 6, ad 1, p. 24; xxxix. 1, p. 228. As the whole process of election was thus authorized by the pope as vicar of Christ, the pope could be said to have been elected by Christ himself rather than the cardinals: *Summa*, iii. 7, ad 3, p. 35: 'Sed collegium sic elegit papam quod tamen papatus non est a collegio quantum ad auctoritatem et officium, quod est quid formale in papatu. Isto enim modo omnis papa est a Christo immediate'; also iii. 7, ad 4, p. 35.

¹ *Summa*, vi. 5, p. 60.

² Augustinus Triumphus described the pope as *caput* on 53 occasions, but it is noticeable that on no occasion did he himself apply this term to the Roman church.

of acceptance. To discuss in detail the alternative solution put forward by Augustinus Triumphus is unnecessary here, but in conclusion we may perhaps point out how useful this vicariate of Christ theory proved to be in surmounting the obstacles raised by the canon law text itself. Of these difficulties the one upon which all the others hinged was simply the question of whether the pope could really deviate from the faith. If the pope acted as Christ, if the interpretations of the faith promulgated by him effectively originated with Christ himself,¹ the logical but impossible implication was that Christ could be heretical. Yet an heretical pope, who might cause untold harm in a society based on faith, was, for all its difficulty of acceptance in principle, a very present practical danger. In his own lifetime Augustinus Triumphus saw the charge of heresy levelled against both Boniface VIII, in whose defence his earlier tracts were mainly composed, and John XXII, to whom the *Summa de potestate ecclesiastica* was dedicated.

To solve this problem Augustinus Triumphus emphasized once again the nature of the papal vicariate of Christ: it was essentially an office. This office embodied not only all jurisdictional power, but was also of necessity the repository of faith, since without faith no power could be rightly exercised in a Christian society.² Nevertheless it had always to be remembered that the mouthpiece of that office was a man. The substance was divine, but the means of diffusing it to all the faithful was human.³ What we have here in fact was that distinction inseparable from the vicariate of Christ theory, the distinction between the office and the man. For Augustinus Triumphus it was always necessary to distinguish between the pope as holder of the vicariate of Christ and the pope personally, between the infallible office and the fallible officer.⁴ It was perfectly true that *the* pope, the vicar of Christ, could not be a heretic;⁵ but *a* pope, any pope taken as an individual, was as liable to fail in matters of faith and government as another man.⁶ A definition of the faith laid down by the pope could be considered either as the

¹ *Summa*, c. 1, p. 488; also lxvii. 2, p. 353; lxvii. 2, ad 2, p. 353.

² *Summa*, lxvii. 3, p. 354: 'papa, qui est armarium sacrae scripturae', and consequently, we may say, the 'armarium iuris' (Johannes Andreas, cited Du Cange, *Glossarium*, i. 389). Note also Boniface VIII, *Sextus*, I. ii. 1: 'Romanus pontifex qui iura omnia in scrinio pectoris sui censetur habere'; on this expression see F. Gillmann, *Archiv für katholisches Kirchenrecht*, xcii (1912), pp. 3 f.

³ *Summa*, x. 1, ad 1, p. 77: 'Sicut per homines Deo ordinante tradita sunt nobis divina eloquentia, ita Deo disponente per homines nobis dubia ipsius fidei declarantur et determinantur.'

⁴ *Summa*, lxiii. 1, ad 1, p. 333: 'praeceptum papae personaliter et instrumentaliter mutabile est et fallibile; sed auctoritative et principaliter immutabile est et infallibile.'

⁵ *Summa*, xxi. 4, p. 129; ci. 1, p. 494.

⁶ *Summa*, xx. 6, p. 126.

voice of Christ speaking through the papal office, or as no more than the *propria opinio* of a *persona privata*.¹ If the definition was in accordance with the faith, then the pope could be said to have been acting in his official capacity, and his words had the same weight as if Christ himself had spoken them. But if that definition was subsequently found to be heretical, then it was clear to Augustinus Triumphus that the pope had been speaking in a purely personal capacity and not as the vicar of Christ. An heretical vicar of Christ was a contradiction in terms.²

If the pope became a heretic,³ he was to be regarded as acting as an ordinary person, not as in his function as vicar of Christ. By that action he had separated himself from his office. But a pope without the papal office was no pope at all.⁴ Therefore it could be said that as soon as a pope deviated from the faith he was *ipso facto* deposed by his own act.⁵ He did not need to be judged, because he had judged himself by the very fact of having become a heretic.⁶ There was accordingly no need for anyone else to pass sentence of deposition upon him.⁷ Taken in this

¹ *Summa*, lx. 6, ad 1, p. 318. For earlier examples see B. Tierney, *op. cit.*, p. 39, n. 2: Johannes Galensis, 'suam opinionem hic dominus papa videtur recitare, non ius commune constituere.'

² *Summa*, lxxvii. 1, ad 3, p. 353: 'Non enim potest papa contra veritatem sed pro veritate.'

³ It may be noted that for Augustinus Triumphus heresy was a general term signifying any action that was contrary to the pope's function as vicar of Christ. It therefore consisted not only of wrong definitions of the faith, but equally of the ordering or approving of any action forbidden by divine or natural law: *Summa*, xxii. 1, ad 2, p. 130: 'sed si notabiliter praeciperentur inconsueta et dissona a praeceptis Dei et praeceptis legis naturae, cum papa sic praeciipiendo esset infidelis . . .'

⁴ *Summa*, v. 7, ad 3, p. 55: 'ex tali crimine statim desistit esse papa nec amplius habet iurisdictionem in Ecclesia'; v. 2, p. 50: 'Papa ergo, si Christum negat, negandum est quod sit papa.'

⁵ *Summa*, v. 1, p. 50: 'sicut homo mortuus non est homo, ita papa deprehensus in haeresi non est papa, propter quod ipso facto est depositus.'

⁶ *Summa*, xxii. 1, ad 2, p. 130: 'seipsum iudicaret, quia qui non recte credit iam iudicatus'; also v. 4, p. 52.

⁷ This line of argument applied equally to all office-holders: *Summa*, xxviii. 6, p. 172: 'sive sit clericus sive laicus, cuiuscunque dignitatis existat, sive papa sive imperator, ab omni dignitate deponatur, immo ipso facto est depositus.' As soon as an officer, such as the emperor, became heretical he automatically ceased to be emperor. A formal sentence of deposition was unnecessary: the pope had merely to pronounce him a heretic. Heresy was contrary to the very nature of any function in a Christian society: xxxv. 1, p. 206: 'Imperator enim papae fulcitum debet esse veritate, iustitia et aequitate; non enim potest adversus veritatem sed pro veritate.' The attack of Nogaret and his supporters against Boniface VIII had been made on the basis that the pope as a heretic had automatically ceased to be pope. The Colonna cardinals in 1297 had already denounced Boniface as a heretic and refused to recognize him as pope. The point that a heretic ceased *ipso facto* to hold his office on the grounds that he had already condemned him-

sense the maxim *papa a nemine iudicatur* was always applicable. All that was now required was for it to be ascertained whether the person acting as pope had become a heretic instead.

We must give full credit to Augustinus Triumphus for his ingenious explanation of how a pope might become a heretic and be deposed without contravening the canon law texts. Nevertheless we are left with a very different picture, we might almost say a contradictory one, of the papal position. When we come to consider this explanation we find that in fact papal infallibility had been preserved only by an admission of papal fallibility. No one could have emphasized more strongly than Augustinus Triumphus that the pope was an absolute monarch and that he was the repository of all real governmental power. The pope in the exercise of his function was beyond compare. Yet it needed only one error on his part to destroy the whole edifice: he was found to have no power at all, to be in fact inferior to every other member of the Universal Church.¹ And if Augustinus Triumphus' explanation of how this was possible solved one problem, it also emphasized another. It did nothing to overcome the difficulties attached to the finding of some person or body capable of pronouncing the pope to be a heretic. It merely underlined the necessity for the promotion of a general body to carry out this task and act as guardian of the common good. It suggested that ultimate authority might perhaps be found elsewhere than in the head, that after all the pope might not be supreme in the Christian society. Indeed it comes as a distinct anticlimax to Augustinus Triumphus' previous exaltation of the papacy when we read that a general council, acting on behalf of the entire *congregatio fidelium*, could always replace the pope when necessary. It could be summoned by any prince without papal authorization; it could decide all matters of faith, even to the extent of pronouncing the pope a self-deposed heretic; and it could govern the *Ecclesia* until such time as the cardinals or the council itself elected another pope.² In the last resort power passed into the hands of the people.

self was made by Gratian (C. xxiv, q. i, *ante* c. 1) with regard to a bishop, and was adopted by Huguccio as regards the pope (see B. Tierney, *op. cit.*, pp. 60-64).

¹ *Summa*, xviii. 3, p. 115: 'Si papa, qui est superior in tota Ecclesia, laberetur in haeresim, quilibet catholicus in tali casu efficeretur maior ipso et contra eum sentire possit'; see also vii. 1, p. 64; vii. 2, p. 65; x. 1, p. 77. This view had already been developed by the Decretists: see B. Tierney, *op. cit.*, pp. 62-65.

² *Summa*, vii. 3, ad 1, p. 66: 'per Ecclesiam potest intelligi praelatus vel ipsa congregatio fidelium qui locum praelati tenet in causa fidei vel in eo quod redundaret in periculum multitudinis et totius reipublicae'; see also ii. 4, p. 22; iii. 2, pp. 28-29; v. 6, p. 54.

In the first half of the fourteenth century the gulf between the hierocratic writers and their opponents became appreciably wider. It was in many ways the age of the extremist, engaged in a relentless pursuit of general principles to their logical conclusions. On the one hand it produced the great papal writers, Aegidius Romanus, James of Viterbo, Augustinus Triumphus, and Alvarus Pelagius, seeking to raise the papacy to a pitch never attempted before or since. Intense speculation working on the basic tenets of the hierocratic system developed a new and aggressive papalism, which no longer endeavoured simply to preserve itself against caesaro-papist tendencies in East and West, but which attempted to re-create for itself the human divinities of Imperial Rome in a Christian form. The *vicarius Christi* idea, as we have seen, led to a definite attempt to deify the universal ruler, to make the pope into a human God. Yet on the other hand it was in this period that the papal vicariate was for the first time effectively denied by the lay writers. Marsilius of Padua and William of Ockham, and to a lesser extent John of Paris, were concerned not merely with the limitation of this vicariate in the manner of the Dualists, but rejected it out of hand. With them we enter upon a transitional period in medieval thought. The Petrine commission, the whole papal system of government, even the idea of the *societas Christiana* itself, were disregarded in favour of a natural and self-sufficient human society, in the government of which all men were held to be capable of participating. Nevertheless, it was at this very point that the papalist and the anti-hierocrat came closest together. Popular sovereignty was as much a feature of hierocratic thought in the fourteenth century as it was of the *Defensor Pacis* or the *Dialogus*. We have already noted this tendency with Augustinus Triumphus himself. In an overall picture he appears as having been as much an exponent of the view that sovereignty rested with the people as of absolute divine right monarchy. Two fundamentally opposed and mutually exclusive conceptions can in fact be seen dwelling side by side in apparent harmony in the mind of one of the greatest exegetes of the papal-hierocratic theory of government.

Zwei Seelen wohnen, ach, in meiner Brust.

The full development of this theory, it may be said, succeeded only in creating a dichotomy in the minds of those who were best qualified to propound it. And it was this inherent weakness in the papal system which would contribute in a large measure to its eventual collapse.

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