

**„AUREL VLAICU” UNIVERSITY OF ARAD  
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**Papal Primacy in the 12th – 15th Centuries: from  
„honoris” to „jurisdictionis”**

*Doctoral Thesis*

*Abstract*

**Scientific Advisor,  
Rev. PhD. Prof. Constantin Rus**

**PhD. Candidate,  
Traian Nojea**

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## **Abstract**

Perhaps the most delicate problem of Christian unity, at least in what concerns the Catholics and the Orthodox, is that of the papal primacy. This "quaestio disputata" generated many discussions, interpretations, conflicts and polemics, until the appeal to "consensus Patrum" finally resolved it.

In September 2016, at Chieti, Italy was organised the 14th plenary meeting of the Joint Mixed Commission for Theological Dialogue between the Orthodox Church and the Roman Catholic Church. During the final session, the document "Synodality and Primacy in the First Millennium: towards communion in the service of the Church`s unity" was approved. If the document clearly states that "the primacy of the patriarchates had a canonical function synodally exercised" and that "the Bishop of

Rome did not exercise a canonical authority over the Eastern Churches,"<sup>1</sup> surely, in our opinion, the key to solving the primacy issue is not in the first Christian millennium, but in the second, more precisely, between the 12th and the 15th centuries.

In choosing this doctoral research topic, complex and with multiple implications, a major factor was the participation at a public support of a PhD thesis, held at the Faculty of Orthodox Theology in Cluj-Napoca, in 2013, where it was discussed, among other things, the withdrawal of Pope Benedict XVI (February 28, 2013), and especially who holds the papal primacy during this interregnum period. The discussions were extremely exciting and motivated me to go into a deeper study of papal primacy and its historical and canonical development. Therefore, this work is a modest, perfectionable analysis of what the papal primacy meant between the 12th and the 15th centuries: the "great passage" from "honoris" to "jurisdictionis".

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<sup>1</sup> Rev. Conf. Dr. Patriciu Vlaicu, member of the Commission of the Orthodox Romanian Church, *Basilica.ro* (<http://basilica.ro/intrunirea-comisiei-mixte-de-dialog-teologic-ortodox-catolic-la-final/>, 03.08.2017).

Throughout the research I have tried to use mainly primary sources, historical and canonical books of Latin or Greek language, especially Mansi and Migne, without neglecting Hardouin or Hefele. The comments of the Latin and Byzantine canonists which lived during those times were extremely helpful in creating a clearer and more objective image of the historical and canonical realities. The latest papers and studies in the field, especially English and French, but also - when there was no other option - German and Italian, have also been used. To some extent, it was a sort of a pioneering work, since from Janus' *The Pope and the Council* (1869), till K. Schatz (*Papal Primacy: From Its Origins to the Present*, 1996), the subject was tangentially discussed, with the probable exception of Brian Tierney and Walter Ullmann, who wrote remarkable works, influenced by the debates of Vatican II.

After that, since 2000, partly based also on the discussions from the International Mixed Commission for Theological Dialogue between the Orthodox Church and the Roman Catholic Church, the attention of historians and Catholic and Orthodox canonists inevitably focused on the

issue of papal primacy. Thus, were issued works such as *You are Peter: An Orthodox Reflection on the Exercise of Papal Primacy* (Olivier Clément, 2003), *The Two Inventions of Peter: The Apostolic Discourse and the Papal Authority in Late Antiquity* (George Demacopoulos, 2013), just as the two volumes of studies edited by J. Chryssavgis in 2016 (*Primacy in the Church: 1. The Contemporary and Contextual Perspectives*) and the more recent *The Papacy and the Orthodox: Sources and History of a Debate* (2017) of A. E. Sicienski.

The problem of the papal primacy – in the sense of a mathematical problem that needs to be solved - can be analyzed from several angles: historical, canonical, liturgical and dogmatic. Widespread in the Catholic Church, this teaching influenced not only faith but also worship. In our research, we will focus on historical and canonical, but also theological aspects, so our purpose is an interdisciplinary one: historical, canonical and theological. It is historical as this doctrine evolved and developed along history, more precisely in the history of Western Christendom. It marks the entire historical development of the West, with excesses of authority or declines unworthy

of the "followers of St. Peter" and "Christ`s vicars on earth." Without exaggerating, we can say that the whole history of the Catholic Church is in fact the history of the papacy<sup>2</sup>.

Our purpose is also a canonical one, because in its historical development the promoters of the papal primacy appealed to the holy canons, which they interpreted in their own interest and even issued canons to support their teaching. Without taking into account the most elementary principles of canonical interpretation, they resorted to a new type of approach „with the focus on pope” , so that in the Middle Ages they claimed that the pope is the main source of canon law both in theory (as a source of law), and in practice (as a ultimate interpretation of canonical norms).

Last but not least, our purpose is a theological one. Structured on the historical and canonical purposes, it aims to consider the papal primacy as a whole, and not as a separate part of the fundamental elements that can shape

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<sup>2</sup> The great German writer, Leopold von Ranke` main work: *History of the Popes: Their Church and State*, eng. trans. by E. Fowler, New York, 1901 (in several editions, the last one in 2012).

and / or distort its identity, such as Christology, but especially ecclesiology.

In this thesis entitled "Papal Primacy between the 12th and 15th Centuries: from honoris to jurisdictionis", we made a historical and canonical incursion into the history of the 12th-15th centuries' papacy, with a centering on the development of papal primacy theory. Thus, although in the first Christian millennium this was reduced to "primatus honoris", by virtue of the imperial and synodal privileges granted to Rome, starting with the second millennium, right after the great schism of 1054, the tendency changed. If the Gregorian reform set the tone, popes such as Innocent III (1198-1216), Bonifacius VIII (1294-1303) or Eugene IV (1431-1447) changed "primatus honoris", in theory and practice, into a genuine "primatus jurisdictionis". Obviously, this change of optics and paradigm could not have been possible without a serious canonical support. Therefore, almost all the canonists of the age, starting with Gratian of Bologna, strived to argue this new doctrine. In this regard, there has been a change from the previous interpretation of the canons, which have now come to be regarded as inferior to the papal authority, in

what Gratian will call *papae legibus solutus* ("the pope is not subject to the law"). This innovative idea turned, in time, into the conception that "the pope is above the law" (*supra jus*) that he holds the "*plenitudo potestatis*" or "absolute power" (*potestas absoluta*).

We placed conciliarism, or papal authority in opposition to conciliar authority. The canon law is and must remain synodal, according to the model of the Apostolic Church, and then primary and patristic church, therefore, we paid particular attention to this movement, which barely enjoyed any interest in Romanian canonical literature. From a methodological point of view, we dealt with conciliarism in an alternating and comparative way, in order to provide a clearer picture of the events.

Also, in the last part of the paper, we presented, again in an alternating and comparative manner, the view of the Byzantine theologians and canonists on papal primacy. This was necessary from at least three reasons: in the first place, not to omit the golden period of canonical Byzantine law, with its illustrious representatives; secondly, to show that the Byzantines were not ignorants when it came to the theological problems of the time, and

thirdly, to allow the other Christian half, the "Sister Church", to state an opinion. All this, because "the primacy of truth before any kind of primate"<sup>3</sup> is the only hope for full unity between the two Churches. This part, like the previous, is a novelty in the Romanian canonical literature. In this paper we have focused on a methodology that combines canonical, dogmatic, ecclesiological, and historical aspects. However, the theory that we tried to follow during the writing process was that of their simultaneous application, so that the elements of historical analysis investigated by means of an expository method were not presented as mere sterile historical data, deprived of content and ecclesiological and canonical meaning, but elements that determine the understanding of certain realities. Also, the systematic approach has taken into account all historical exposures. The expository method has a secondary role in this paper, but it seeks to underline the other methods used. In countless fragments we have

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<sup>3</sup> Rev. Prof. Liviu Stan, „Primatul adevărului înaintea oricărui tip de primat”, in *Ortodoxia* 2 (1968), p. 179–184.



referred to the analytical and the exegetical method, or to the exegetic-comparative one.

We believe that the results of our work are multiple. First of all, we have a chronological presentation, from historical perspective, of papal primacy from origins to apogee. Then, we followed the evolution of canon law and the interpretation of the canons in relation to the development of the primate teaching, as well as the canonical presentation of conciliarism. The vision of canonists and Byzantine theologians is also an important result of our research, but the most important one is the attempt of revealing the historical truth by means of a rigorous and objective analysis of the events, hoping that this truth " shall set us free" cf. John 8:32) of any prejudice, forging, or constraint.

This thesis is divided into five chapters, of unitary length and complexity, in which we attempted to cover all planned themes, obviously, without the claim of being exhaustive, given the relatively extended research period.

Thus, the first chapter, entitled "Papacy in the 12th-15th Centuries: History, Reforms, Organization", is intended to be a radiography of papacy in the 12th-15th

centuries, from a historical and canonical outlook. The first subchapter, although is not included in the mentioned period, is fundamental for understanding the emergence and development of primate`s ideology in the first Christian millennium. Based on imperial and synodal, then papal decisions, the primacy of the Pope was an exclusively honorific one, but with an emphasis more and more jurisdictional towards the end of the period. The reforms of Pope Gregory VII (1073-1085) and the dispute for institution will set the ground for the apogee of papal power, this turning into a pontifical theocracy, especially during Pope Innocent III (1198-1216). After this point, we witness a regression of papal authority caused by the captivity of the popes in Avignon (1309-1377) and the great papal schism (1378-1414). The second part of the first chapter focuses strictly on papal primacy, in theory and practice, canonically defining terms such as "authority" and "jurisdiction". The chapter ends with a historical-canonical analysis of the papal title during that period.

The second chapter, "Western Canon Law in the 12th-15th Centuries, between *jus concilium* and *jus pontificium*" is basically a synthetic presentation of

Western canon law in its time of glory. Based on Roman law, it will experience an unprecedented development beginning with Gratian of Bologna and his major work from the mid-twelfth century, *Decretum Gratiani*. If Gratian has emphasized "jus concilium", or universally accepted synodal decisions, following him, we will immediately witness a change of angle: the popes will see themselves sources of canon law, replacing the old synods and the synodal regime of the first Christian millennium.

In this way, will appear the so-called "jus pontificium", included in pontifical decretals, which had the same authority as the old synodal canons. The most important collections of decretals, analyzed by us, were those of the Popes Gregory IX (1227-1241), Bonifacius VIII (1294-1303) and John XXII (1316-1334). Papal primacy influenced also the canon law, which it has radically transformed, by placing the pope at its center, to the detriment of the synod. Thus, the pope became the main source of canon law, both in theory (as the source of law) and in practice (as a definitive interpretation of canonical norms).

With Chapter III we enter the "dark" period of the papacy, namely conciliarism, and implicitly, of the primacy claimed by it. On the background of the papal claims' growth, some canonists have formulated the theory that the pope is inferior to a council and must obey it. Thus, papal authority was somehow in conflict with conciliar authority. The Synods of Pisa (1409-1410), Konstanz (1414-1418) and Basel (1431-1437) will only return "ad fontes" of the first Christian millennium, when the supreme authority in the Church was of the ecumenical council. Contested and rejected by the vast majority of Western historians and canonists, they should be seen as a golden mean between authority and synodality, not trying to take the pope what he did not hold, but to regulate the relations of authority and jurisdiction of the Western Church.

But they didn't last for long, and papacy recovered tremendously after this conciliar "shock." The jurisdictional primacy acquires new canonical valences at the Synod of Ferrara-Florence (1438-1439), amid discussions of union with the Orthodox Church, which is the subject of Chapter IV. The Byzantines, with or without their will, contributed greatly to the support of the papal

primacy, and the Execrabilis bull (1460) would represent the finishing stroke given by the papacy to the synodal regime.

The last chapter, more extensive, is dedicated to the way in which the papal primacy of the 12th-15th centuries was understood, received or rejected by the Byzantine theologians and canonists of the time. The first part analyzes the relations between the West and the East during the mentioned period, with emphasis on the Isihast controversy, the crusades and the union attempts. The second part is a synthesis of the main protagonists, Latin and Byzantine, of the dispute over the papal primacy, as well as the origin, the definition and the way of carrying it out within the Church. This part was absolutely necessary, because the doctrine of jurisdictional primacy placed the entire Church, so even the Orthodox one, under the leadership of the Pope. Moreover, these disputes also highlight the mistakes, forgeries and the tendentious and unilateral interpretations of the Latins with respect to pope's person. On the other hand, truth and consensus can

only be achieved through dialogue<sup>4</sup>, that's why we followed the events up to Chieti in September 2016.

The historic meeting between Pope Paul VI (1963-1978) and Ecumenical Patriarch Athenagoras (1948-1972) on the Mount of Olives in 1964, the first in the last 500 years, marked a new beginning in the relations between the two "Sister Churches". The "dialogue of love" started in the 1960s will turn into a theological dialogue that reflected an unexpected consensus just a few decades ago. Although theoretically still schismatic, it can be argued that the relations between Rome and Constantinople are now better than those of a thousand years ago, when the two Churches were in full Eucharistic communion. We still have the image of Pope Benedict XVI (2005-2013) and Ecumenical Patriarch Bartholomew I (1991-), when Bartholomew took and lifted the pope's arm, at the Fanar balcony, as well as that of Pope Francis I (2013 -) bending to receive the blessing of his "brother Andrew" during his visit to

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<sup>4</sup> Rev. Prof. Dr. Nicolae Achimescu, *Religie, modernitate și postmodernitate*, Trinitas Publishing House, Bucharest, 2013, p. 537–539.

Constantinople on November 30, 2014<sup>5</sup>. These are proofs that, once ambitions and prejudices are overcome, we can go along the road of reconciliation, "that we all be one" cf. John 17: 21).

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<sup>5</sup> Andrea Tornielli, „The Pope bows before Bartholomew and receives a blessing from him” (<http://www.lastampa.it/2014/11/29/vaticaninsider/eng/world-news/the-pope-bows-before-bartholomew-and-receives-a-blessing-from-him-NUnmF9Y9AIb3DGrcQpNbzO/pagina.html>, 20.12.2017).

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