

## NOTES

### JOHN PETER OLIVI AND PAPAL INERRANCY: ON A RECENT INTERPRETATION OF OLIVI'S ECCLESIOLOGY

There are some areas of theology where an accurate knowledge of the history of a doctrine is especially helpful in understanding the nature of the doctrine itself. This seems most obviously true concerning papal infallibility—the doctrinal decree of 1870 specifically referred to “a tradition received from the beginning of the Christian faith.” We can hardly provide an adequate theological interpretation of those words unless we know something, on the different level of historical understanding, about how the doctrine of infallibility first came to be articulated and how the ways of expressing it developed over the course of the centuries.<sup>1</sup>

In two recent books Ulrich Horst has made notable contributions to our understanding of this development.<sup>2</sup> But in the second one he offers a new interpretation of John Peter Olivi's teaching which seems to me unconvincing. Specifically, he denies that Olivi asserted any meaningful doctrine of papal infallibility. Since Horst's argument is presented as a critique of my own interpretation of Olivi, and since Olivi's texts are of really crucial importance for understanding the theology of infallibility in its early, formative phase, a response may help to advance our understanding in this difficult matter.

Probably writing around 1280, Olivi included in his treatise *De perfectione evangelica* a *quaestio* with the title “Whether the Roman pontiff is to be obeyed by all Catholics in faith and morals as an unerring rule (*tamquam regula inerrabilis*).”<sup>3</sup> In a book published in 1972, I treated Olivi's work as a major innovative step in the emergence of the doctrine of papal infallibility and related it to the Franciscan disputes of the 13th century in which Olivi was involved.<sup>4</sup> There are indeed scattered letters from the pontificates of earlier popes—Leo IX, Gregory VII, Innocent

<sup>1</sup> For a recent discussion on church history in relation to theological tradition, see James Hennesey, “Grasping the Tradition: Reflections of a Church Historian,” *TS* 45 (1984) 153–63.

<sup>2</sup> Ulrich Horst, *Papst-Konzil-Unfehlbarkeit: Die Ekklesiologie der Summenkommentare von Cajetan bis Billuart* (Mainz: Matthias-Grünewald, 1978); *Unfehlbarkeit und Geschichte: Studien zur Unfehlbarkeitsdiskussion von Melchior Cano bis zum I. Vatikanischen Konzil* (Mainz: Matthias-Grünewald, 1982).

<sup>3</sup> The text is printed in M. Maccarrone, “Una questione inedita dell'Olivi sull'infalibilità del papa,” *Rivista di storia della chiesa in Italia* 3 (1949) 309–43.

<sup>4</sup> *Origins of Papal Infallibility, 1150–1350: A Study on the Concepts of Infallibility, Sovereignty and Tradition in the Middle Ages* (Leiden: Brill, 1972).

III—which might have been used to support a doctrine of infallibility; but they were either not included in the standard canonistic collections or not so interpreted by the canonists. Nor did they attract the attention of theologians. Olivi was the first thinker, it seemed to me, who overtly proposed and defended a doctrine of papal inerrancy.

Horst disputes this conclusion. He asserts that Olivi did not teach a real doctrine of *papal* infallibility; rather, he attributed inerrancy to the universal Church and only a sort of derived, dependent authority to the pope. Such a teaching, Horst argues, “could never lead to the Vatican definition and in fact did not do so.” Horst does not deny all trace of interest and originality in Olivi’s discussion—that would perhaps have required superhuman hardihood—but he does conclude that Olivi was essentially a conservative thinker who did not advance significantly beyond the views of Aquinas and Bonaventure on the point at issue. We shall need to consider two questions, then: one about Olivi’s originality, the other about the actual content of his teaching.

Horst’s view about Olivi’s relation to his predecessors is based in part on a re-evaluation of Aquinas’ thought. He suggests that there was no substantial advance in Olivi’s teaching about papal infallibility because, in any case, the major 13th-century development of doctrine in this area had already taken place a generation earlier, in the work of Aquinas. On this point, however, there was a significant change of emphasis in Horst’s position between 1978 and 1982. To understand his argument, we need to digress briefly and consider some of the different ways in which a scholar can approach the history of a doctrine like that of papal infallibility.

We can ask questions about origins. Who first asserted and defended the doctrine? When? Why? What circumstances made the new teaching seem to its author acceptable? (Or true or useful or necessary?) This is the kind of question I tried to address in my book, and any detailed consideration of such issues does indeed lead to Peter Olivi as a figure of central importance. But we can also ask a quite different and equally legitimate kind of question. How was the doctrine defended in later centuries? What authorities, what arguments were used to sustain it? Horst’s first book dealt essentially with this latter type of question: it discussed the commentaries on the *Summa theologiae* of Aquinas written by scholars of the 16th and 17th centuries. Horst was able to show persuasively how Thomas’ texts were used to support a variety of emerging doctrines concerning papal infallibility. But of course this does not necessarily tell us anything about the personal standpoint of Thomas himself. A historian, especially one familiar with medieval exegesis, will not need any modern deconstructionist critic to persuade him that the texts he studies are polysemous. They take on different meanings in the

minds of different persons, at different times, in different circumstances. This is, after all, a platitude of the historian's craft. We all know that the text of Magna Carta did not mean the same thing to 17th-century parliamentarians as to the barons of 1215. Historians of science often make the same point. As one of them has observed, "in using the seventeenth-century point of view one often positively misinterprets some of the fourteenth-century material."<sup>5</sup> So, too, the texts of Aquinas took on new meanings in the thought of his 17th-century commentators.

In 1978 Horst perceived all this and explained it clearly. He observed that, when Thomas wrote the crucial text of the *Summa* (2-2, q. 1, a. 10), "he did not anticipate what an echo this text would evoke." And again, "one cannot say that Thomas taught the infallibility of the pope in the sense of the later official definition." Aquinas did not think of the pope as exercising a personal privilege but as speaking "in the name of the faith of the universal Church." He never used the phrase that later became current, "The pope cannot err in matters of faith and morals." At this point Horst expressly agreed with my view that Aquinas remained generally within the bounds of 12th-century canonistic thought, where a doctrine of papal infallibility was certainly not asserted ("Darin ist B. Tierney zuzustimmen").<sup>6</sup>

In Horst's second book of 1982 the emphasis was rather different. He still acknowledged that Thomas did not overtly teach the doctrine of papal infallibility that later thinkers would derive from his texts, but he now saw a significant shift, a "turn" or "change" (*Wende*) in Thomas' thought, compared with previous doctrine. Thomas did not attribute to the pope a personal privilege of infallibility, but on the other hand he did not regard him as merely a spokesman for the faith of the universal Church.<sup>7</sup> He made "important steps in the direction of a personal privilege of the pope" and notable progress beyond the earlier views of the canonists.<sup>8</sup> This change of emphasis arises from a reappraisal of Thomas' well-known text at *Sum. theol.* 2-2, q. 1, a. 10. Horst chides me (not too gently) for neglecting this text ("Es ist mehr als erstaunlich und wohl auch bezeichnend dass B. Tierney . . . dem Aquinaten lediglich eine Fussnote widmet, in der er nicht einmal auf *S th* II-II 1, 10 eingeht").<sup>9</sup>

<sup>5</sup> J. E. Murdoch and E. D. Sylla, *The Cultural Context of Medieval Learning* (Dordrecht/Boston: D. Reidel, 1975) 347.

<sup>6</sup> *Papst-Konzil-Unfehlbarkeit* 7, 22. Horst added that Thomas did not discuss the problems concerning a heretical pope and the relations between pope and council that arose in the works of the canonists.

<sup>7</sup> *Unfehlbarkeit und Geschichte* 218.

<sup>8</sup> *Ibid.* 219.

<sup>9</sup> *Ibid.* 219. Horst finds it "more than astonishing" that I devoted only a footnote to Aquinas and did not discuss 2-2, q. 1, a. 10. I find it mildly surprising that Horst did not trouble to read on in my book as far as p. 245, where he would have discovered another

To Horst it seems that my preoccupation with canonistic literature has prevented me from seeing the "turn" in Aquinas' thought; to me it seems that Horst's lack of familiarity with the earlier writings of the canonists makes it difficult for him to see how closely Aquinas adhered to their teachings.

At 2-2, q. 1, a. 10, Aquinas raised the question "whether it pertains to the supreme pontiff to formulate a creed (*symbolum fidei*).” He concluded: "The promulgation of a creed is made in a general council. But a council of this sort can be convoked only by authority of the supreme pontiff . . . therefore the promulgation of a creed pertains to the authority of the supreme pontiff." Horst emphasizes one of the supporting arguments: "The promulgation of a creed pertains to the authority of the one to whose authority it pertains to determine finally the things that are of faith, that they may be held by all with unshaken faith (*inconcussa fide*). But this pertains to the authority of the supreme pontiff. . . ." It is here that Horst finds the "turn" in Aquinas' thought, specifically in the use of the words *inconcussa fide*.

In fact, it is far from clear that Thomas intended to make any new claim for the pope at this point. His text is so ambiguous that it was quoted by both sides in the disputes of 1870. One obvious approach to the words emphasized by Horst would suggest that they were carrying on the thought of the previous argument. The meaning would then be that, when a creed had been agreed upon in a general council, it was promulgated by the pope to be held by all with unshaken faith. This seems confirmed later on, in Thomas' response *ad secundum*, where again he stated that new creeds were drawn up in general councils.<sup>10</sup>

If this is what Thomas meant, then of course his thought was quite traditional. We can certainly agree that he did not regard the pope as a mere "spokesman" for the Church, but it is hard to see why Horst regards this as an advance in doctrine. No major theologian or canonist of the time regarded the pope as simply a spokesman. They all considered him the divinely ordained head of the Church, to whom "greater and more

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substantial footnote, devoted to this particular text. Horst might also have mentioned here my subsequent article which discussed in detail the canonistic background of 2-2, q. 1, a. 10, "A Scriptural Text in the Decretales and in St. Thomas: Canonistic Exegesis of Luke 22-32," *Studia Gratiana* 20 (1976) 363-77.

<sup>10</sup> In another work Aquinas noted that a pope could give judgment in a disputed matter of faith without summoning a general council—here again following earlier canonistic doctrine (*De potentia* 10, 4, ad 13). Since Horst lays such stress on the words *inconcussa fide*, we may note that Aquinas did not use this language when discussing the pope's authority specifically outside the context of general councils.

difficult matters" were to be referred, a supreme judge in matters of faith. But they did not regard his judgments as necessarily unerring.<sup>11</sup>

At the time when Thomas wrote, there already existed a large body of commentary on the canonistic and scriptural texts that he quoted in support of his arguments at 2-2, q. 1, a. 10. These texts had not hitherto been understood as implying a doctrine of papal infallibility. It seems to me unlikely that Thomas was intending to impose a new meaning on them without any further indication to his readers that he was doing so.<sup>12</sup> But in the end, we cannot know for certain whether Aquinas did actually consider the pope to be infallible in any sense. As Yves Congar has explained, "Perhaps it is possible to deduce that from his teaching, but the reasoning process must be supplied by us. For it is not certain that Thomas would have said it, or, if he did, he might well have added a condition to the conclusion."<sup>13</sup>

If Aquinas had really wanted to deduce a doctrine of papal infallibility from the existing doctrines concerning papal primacy and sovereignty, there were many obstacles inherent in earlier canonistic and theological tradition that he would have had to overcome—e.g., that a general council possessed a greater authority than a pope alone, that some popes had erred in faith, that Christ gave authority to all the apostles and not to Peter alone, that Paul rebuked Peter. Later defenders of papal infallibility, beginning with Peter Olivi, did raise such objections in order to refute them. Aquinas did not. Horst indeed emphasized Aquinas' lack of interest in possible limitations to papal power as an advance in his thought. But the point is that Aquinas never had occasion to raise the obvious objections, because he never chose to ask the relevant question: whether the pope was unerring in his pronouncements on faith and morals.<sup>14</sup> And

<sup>11</sup> This common teaching of the medieval canonists may seem paradoxical—that the pope could be supreme judge in matters of faith and yet liable to err. But if there is a paradox here, it has not been resolved by the modern doctrine of papal infallibility. Most decisions of modern pontiffs on emerging points of faith and morals are not regarded as exercises of the infallible magisterium; and yet they are definitive judgments, *letzverbindlich*, to use a favorite word of Horst, in the sense that there is no appeal to a higher church authority.

<sup>12</sup> This is discussed in "A Scriptural Text" (n. 9 above).

<sup>13</sup> Y. Congar, "Saint Thomas Aquinas and the Infallibility of the Papal Magisterium (Summa Theol., II-II, q. 1, a. 10)," *Thomist* 38 (1974) 102. Congar was inclined to see a latent doctrine of infallibility in Thomas' text, but he noted that the first "formal affirmations" of the doctrine came in the Franciscan poverty disputes (85).

<sup>14</sup> Horst is entirely right, of course, to insist that Thomas made very high claims for the papacy. But it still seems to me that the judgment expressed in my *Origins* (95, n. 3) was correct: "he claimed almost every conceivable power for the pope in church affairs—except infallibility."

of course the crucial advance in Olivi is that he did ask the question—and answered it.

In his *quaestio* Olivi not only moved beyond the thought of Aquinas but also beyond that of Bonaventure. Bonaventure wrote a treatise with the same title as Olivi's, *De perfectione evangelica*, and in it he included a *quaestio* on the same theme of papal authority. But Bonaventure asked simply whether it was fitting for all to obey one pope.<sup>15</sup> Olivi asked whether the Roman pontiff was to be obeyed by all "as an unerring rule." The difference is obvious.

In comparing Olivi's views with those of Bonaventure, Horst advances an argument—a mistaken one, I think—that influenced his whole interpretation of Olivi's teaching on inerrancy. Both of the Franciscan theologians, he points out, were interested in upholding the pope's supreme authority in order to safeguard the position of the Franciscan Order, which was dependent on papal approval. Olivi was particularly interested, Horst notes, to defend Nicholas III's decree *Exiit*, promulgated in 1279. But, the argument continues, there was no need for the Franciscans to attribute inerrancy to the pronouncements of individual popes in order to defend their position. The Franciscan Order had been approved by a series of popes and accepted by the universal Church—and this was all that either Bonaventure or Olivi needed to establish.<sup>16</sup>

But the decree *Exiit* did not simply approve the Franciscan rule. It advanced a new doctrine of evangelical poverty. *Exiit* asserted that the Franciscans had no ownership of property or "right of use" but only "simple use of fact," and that in this practice they were following a way of life instituted by Christ and the apostles. This doctrine was very precious to Olivi, but it was so far from commanding the general assent of the Church that Nicholas III forbade all discussion of it. When Pope John XXII revoked his predecessor's ban in 1321, widespread opposition was expressed. In 1323 John XXII promulgated a dogmatic decree declaring that "henceforth" it would be heretical to assert that Christ and the apostles had no right of use in the goods they had. Now Olivi, on the basis of his apocalyptic speculations, actually anticipated that in the near future a pseudopope would seek to revoke the doctrine of evangelical poverty asserted in *Exiit*. It was therefore of supreme importance for Olivi to assert that a true pope—and no one ever denied that Nicholas III was a true pope—was unerring in his pronouncements "on faith and morals." When the dissident Franciscans rebelled against John XXII in 1324, they did so precisely on this ground, asserting, in language

<sup>15</sup> "Utrum sit conveniens christianae religioni ut omnes obedient uni."

<sup>16</sup> *Unfehlbarkeit und Geschichte* 215, 230. Bonaventure's views on irreformability were more equivocal than Horst suggests; see my *Origins* 89–91.

reminiscent of Olivi's, that "what is once defined in faith and morals is true for all eternity and unchangeable"

This background will help us to understand the content of Olivi's *quaestio*, "Whether the Roman pontiff is to be obeyed by all Catholics in faith and morals *tamquam regula inerrabilis*" Olivi first posed a group of objections to this proposition, then a series of arguments in favor which relied heavily on canon-law citations (The novelty here was that Olivi deployed the whole corpus of canonistic texts which earlier had been used to prove the pope's supreme jurisdiction in the Church to support a different claim concerning papal inerrancy) Next, Olivi gave an affirmative answer to his question and proposed four further topics for discussion: the necessity for a single pontiff as head of the Church, the authority of the Roman see, the mode of inerrancy of both (i.e., pope and Roman see), and the obedience due from Catholics. Unfortunately, the *quaestio* as we have it is incomplete and breaks off in the middle of Olivi's discussion of the third topic. Thus we lack a detailed exposition of the whole of Olivi's thought, but we can still discern the major outlines of his position from the arguments in favor of inerrancy given in the first part of the *quaestio*. In discussing his third topic, Olivi wrote at some length about the infallibility and indefectibility of the universal Church. This we could be sure of, since it was defined as an article of faith: "I believe in one holy Catholic Church." Then Olivi introduced a series of distinctions designed to explain the manner in which inerrancy inhered in the pope and the Roman see. It is those distinctions in the last paragraph of the surviving text of the *quaestio* that led Horst astray in his interpretation of Olivi's teaching.

The distinctions suggested that the pope's unerring teaching authority could be exercised only in certain areas and under certain conditions. In the first one, Olivi distinguished between a pope's universal teachings and his personal assertions, and also between matters essential to the faith and other matters. Then he added that a man might be a true pope or a pope "only in name and appearance." Finally, he pointed out that inerrancy could inhere in someone "of himself or through another" (*per se aut per alterum*). Further, it could inhere without qualification (*simpliciter*) or only conditionally (*quoad quid*). For instance, Olivi continued, it was clear that a pope could not err on condition that he was indeed a true pope and true head of the Church. But it was conceivable that a "pope" might publicly teach heresy—then it would be clear that he was not in fact a true pope, for the Church could not be united with an erring head.<sup>17</sup> (In another work Olivi wrote "All ecclesiastical jurisdiction is

<sup>17</sup>Ed. cit. 342-43. *hec enim impossibilitas [errandi] potest inesse aliquibus per se aut per alterum et potest inesse simpliciter aut solum quoad quid, utpote si dicatur quod sedes romana existens sedes vera non potest errare, aut quod papa existens verus papa et verum*

taken away by manifest heresy."<sup>18</sup>) Olivi's argument breaks off, tantalizingly, at this point. It would be fascinating to have his further reflections on the problem of a heretical pope, for Olivi was not only reviving an old theme of the canonists here but was raising an issue that would be discussed by many later defenders of papal infallibility from Cajetan onward. (Most of them acknowledged that a pope could indeed fall into heresy.) Olivi was evidently concerned in these last lines of the *quaestio* with his vision of a coming pseudopope who would seek to overthrow the teaching of *Exiit*—a teaching that could be regarded as infallibly defined and hence irreformable if (but only if) one accepted Olivi's teaching on papal inerrancy. His view was that a true pope could not err in his "magisterial" pronouncements on the faith; but a pontiff who showed himself a heretic by denying the truth already defined was a pope "only in name and appearance."<sup>19</sup> Horst seems to assume that this position is incompatible with the modern doctrine of infallibility; but in fact it is commonly asserted by contemporary supporters of the doctrine. As Karl Rahner put it, referring to the permanence of established dogmas, "A pope who neglected this and plainly repudiated it in a new definition would show himself to be a heretic who had lost his teaching authority."<sup>20</sup> To assert that a pseudopope may occupy the throne of Peter is one thing; to assert that a true pope can teach infallibly is another. Olivi, like many later defenders of infallibility, accepted both assertions.

In evaluating Olivi's doctrine, I wrote that "Olivi was, indeed, the first major medieval thinker who posed—and answered affirmatively—the question, 'Whether the Roman pontiff . . . is unerring in faith and morals.'<sup>21</sup> Horst disagrees with this. Olivi's answer appears to me to be affirmative, he argues, only because I have ignored Olivi's "precise scholastic distinctions" and, above all, his view on the relationship between pope and Church.<sup>22</sup> According to Horst, Olivi actually presented the pope's inerrancy as dependent on that of the Church in a way that sharply differentiated his teaching from later theories of papal infallibil-

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capud ecclesie non potest errare; et talis impossibilitas est secundum quid, et de hac clarum est quod nec papa nec sedes romana potest in fide pertinaciter errare, saltem errore communi seu magistrali. Cum enim ecclesia generalis errare non possit et sic per consequens nec capite erroneo seu falso veraciter coniungi et inniti possit. . . . Et ideo secundum iura nullus hereticus publicus . . . habet potestatem benedicendi et maledicendi in ecclesia, quia omnis fidelis maior est eo."

<sup>18</sup> See *Origins* 113, quoting Olivi's *De renuntiatione*.

<sup>19</sup> *Ed cit.* 342: "Est enim sedes secundum nomen seu secundum solam apparentiam. . . . Et idem potest dici de papa."

<sup>20</sup> *Zum Problem Unfehlbarkeit* (Freiburg: Herder, 1971) 23.

<sup>21</sup> *Origins* 91.

<sup>22</sup> *Unfehlbarkeit und Geschichte* 229.



ity. But in reaching this conclusion, Horst misinterpreted the relevant texts of Olivi and also presented a very idiosyncratic view of modern doctrine.

Horst refers to Olivi's distinctions (*simpliciter* or *quoad quid*, *per se* or *per alterum*) as of decisive importance; yet he misunderstands them. His argument runs like this. For Olivi, the quality of inerrancy belonged unconditionally and essentially only to God and the universal Church.<sup>23</sup> The Church had never experienced any wavering in the faith through the course of time. Horst finds it "astonishing" that Olivi, in a treatise devoted to the pope as *regula fidei*, did not say this of the Church's head.<sup>24</sup> For Olivi, the pope was actually an unerring *regula fidei* only so long as he was in accord with the universal Church.<sup>25</sup> The Church was an absolute standard (*absolute Grösse*); the pope possessed inerrancy only "in a certain manner" (*in gewisser Weise*); his inerrancy was only conditional (*secundum quid*) and only derivative (*per alterum*). Horst concludes: "This is obviously not infallibility in the modern sense, but at best the 'concretizing' of the general faith of the Church in an official teaching act of the papal magisterium."<sup>26</sup>

These last words are puzzling. They might be read as a precise description of the doctrine eventually defined at Vatican Council I. The actual words of the dogmatic decree of 1870 asserted that, when the pope spoke *ex cathedra*, he was "possessed of that infallibility with which the divine Redeemer willed that his Church should be endowed for defining doctrine regarding faith and morals."<sup>27</sup> Horst surely has a sophisticated understanding of modern doctrine, as is evident from his other writings. But at this point in his work, in his concern to distinguish sharply between Olivi's teaching and that of the later council, he himself seems to

<sup>23</sup> Ibid. 227.

<sup>24</sup> Ibid. 226. It would really have been astonishing if Olivi had written this. Medieval scholars, like modern ones, thought that some popes of the past had erred. (The case of Honorius was much discussed at Vatican Council I.) The problem then was to explain why the papal errors were not infallibly defined. The distinctions at the end of Olivi's *quaestio* point in the direction of modern solutions.

<sup>25</sup> Ibid. 228. In a sense this is true of course, both for medieval and modern theologians. Presumably no contemporary theologian is teaching that a pope speaks infallibly when his pronouncements are *not* in accord with the faith of the Church.

<sup>26</sup> Ibid. 227, 229.

<sup>27</sup> The translation is from C. Butler, *The Vatican Council 2* (London: Longmans, Green, 1930) 295. Butler commented: "The infallibility of the Church is taken as the basic idea, the thing known and accepted by all Catholics as of Catholic faith. . . . Then it is said that the pope teaching *ex cathedra* is possessed of this same infallibility . . . another organ whereby the infallible teaching of the church is brought to authentic declaration." In fact, the argument at Vatican Council I moved in just the same way as the argument in Olivi's *quaestio*: from a generally accepted belief in the inerrancy of the Church to a consideration of how the Church's faith could be expressed unerringly in specific papal pronouncements.

distinguish between the faith of the universal Church and the personal infallibility of the pope in a way which is not consistent with the actual teaching of Vatican I. There is no incompatibility in insisting on the indefectible faith of the universal Church while affirming that this unfailling faith may—but only in certain circumstances—be defined infallibly by the pope. This was what Olivi asserted; this is what was asserted at Vatican Council I; and of course, like Olivi, the council held that the pope possessed infallibility only “in a certain manner,” only *quoad quid*, to use Olivi’s language, that is to say, only when certain conditions were fulfilled; and also *per alterum*, to use Olivi’s words again, that is to say, not by his own intrinsic virtue but through another, through divine assistance.

According to Horst, Vatican I held that the pope was infallible “of himself” (*aus sich*).<sup>28</sup> But this is clearly an oversimplification. Horst had in mind the famous words *ex sese, non autem ex consensu ecclesiae*. But the council asserted here, not that the pope was infallible of himself, but only that certain pronouncements of the pope, made when certain conditions were fulfilled, with divine assistance, were irreformable of themselves (*ex sese*). It is hard to see why, for Horst, Olivi’s failure to attribute an absolute infallibility to the pope makes his teaching alien to that of Vatican I. A few lines from Bishop Gasser’s famous allocution of July 11, 1870 will illustrate how strongly he emphasized the infallibility of the universal Church and how little inclined he was to attribute an absolute, unconditional infallibility to the pope—and Gasser presented this allocution as spokesman for the deputation *de fide*.

All Catholic theologians agree that the Church is infallible in proposing and defining such truths, so that to deny this infallibility would be a very grievous error. . . .

It is asked in what sense the infallibility of the Roman pontiff is absolute. I answer and frankly declare: papal infallibility is in no sense absolute, for absolute infallibility belongs only to God. All other infallibility, inasmuch as it is communicated for a certain end, has its limits and its conditions. This applies to the infallibility of the Roman pontiff. This, too, is restricted by certain limits and conditions. . . .

We do not speak of personal infallibility, although we claim it for the person of the Roman pontiff—but not insofar as he is a single person but insofar as he is the person of the Roman pontiff or a public person, that is, head of the church in his relationship to the Church universal. . . .<sup>29</sup>

<sup>28</sup> Ibid. 230.

<sup>29</sup> Mansi, *Sacrorum conciliorum . . . collectio* 52 (Arnhem/Leipzig: H. Welter, 1877) 1226, 1214, 1213.

Olivi could have agreed heartily with each of these declarations. They match his own formulations with extraordinary precision. There is certainly nothing so far that separates Olivi's teaching from that of the modern council. But we have not yet reached the heart of Horst's argument. When he states that, for Olivi, the pope's inerrancy was only "derivative," "mediated," "dependent," he apparently means that it was derivative in the sense of being conferred by the Church. This is how he understands the words *per alterum*. He suggests that the Church was set over the pope (*übergeordnet*), that the Church—not God directly—conferred a conditional inerrancy on the pope and could take it away.<sup>30</sup> If this interpretation were correct, Olivi would indeed have taught a doctrine different from that of Vatican I. But when Olivi presented his arguments for inerrancy, he set out a quite different position.

Horst suggests that, according to Olivi, the pope's inerrancy was derived from the Church. Olivi argues, plainly and simply, that it was conferred by God: "It is impossible for God to give to anyone full authority to define doubtful matters of faith . . . with this also, that he would permit him to err. . . . But God gave this authority to the Roman pontiff."<sup>31</sup>

Again, in Horst's argument, the pope's inerrancy depended on that of the Church in such a way as to subordinate the pope to the Church. But Olivi argued in precisely the opposite sense, that papal power was "indefectible" because it was not dependent on any other power in the church. "Every cause and rule is more indefectible the more it is superior and higher than others and less dependent on them; but, of all the powers of the Church, the power of the Roman pope is of this sort. . . ."<sup>32</sup>

It is hard to see how, in the face of such texts, Horst could argue that "From the beginning Olivi moved on a track that could never lead directly to the Vatican definition and in fact did not do so." In considering Olivi and Vatican I, we have to avoid crude anachronism. Self-evidently, Olivi could not have anticipated the whole future course of the doctrinal development that he was initiating. But, this being the case, it is rather remarkable how many elements of later doctrine found a place in this first attempt to expound a theology of papal infallibility. To describe the object of infallibility, Olivi used the same words that would recur in the

<sup>30</sup> Ibid. 227–29.

<sup>31</sup> Ed. cit. 328: "Item impossibile est Deum dare alicui plenam auctoritatem diffiniendi de dubiis fidei et divine legis cum hoc, quod permitteret eum errare. . . . Sed romano pontifici dedit Deus hanc auctoritatem."

<sup>32</sup> Ed. cit. 326: "Omnis causa et regula quanto est aliis superior et principalior et minus ab eis dependens, tanto est indefectibilior: sed potestas pape romani omnium potestatum ecclesie est huius. . . ."

definition of 1870, *in fide et moribus*. He seems to have been the first to refer to "magisterial" pronouncements of a pope in the modern sense of the word *magisterium*. He distinguished between the solemn definitions and private assertions of a pope; also between definitions in matters essential to the faith and in matters of merely human knowledge. Above all, Olivi was close to later ways of thought precisely on the issue where Horst raises objections: in his insistence "on a necessary link between the indefectible faith of the Church and the inerrancy of doctrinal pronouncements made by its head."<sup>33</sup>

There seems, then, no doubt that Olivi's arguments *could* have led to a theology of infallibility like that of Vatican I. The other question raised by Horst remains to be considered: *Did* they in fact do so? Did Olivi's views influence the later growth of the doctrine of infallibility or were they just a historical curiosity, a forgotten aberration? We need to bear in mind here the starting point of our discussion. To ask who first formulated a doctrine is not the same as asking how the doctrine was subsequently defended. Later theologians did not quote Olivi when discussing infallibility; they preferred to quote Aquinas, as Horst has shown abundantly. (Perhaps it is his familiarity with the later arguments that makes him so disinclined to acknowledge a Franciscan origin for the doctrine of papal infallibility.) The situation seems paradoxical. Olivi did articulate a doctrine of papal infallibility and Aquinas did not; but Aquinas, not Olivi, became a standard authority for later supporters of the doctrine. Still, the paradox is not too hard to explain. Thomas was a saint and an acknowledged great master of theology. Olivi was a controversial figure during his lifetime and he became a focus of bitter discord in the Franciscan Order after his death. In 1319 his writings were condemned by a general chapter of the Order and in 1326 Pope John XXII censured a number of propositions taken from his work. Olivi's tomb at Narbonne, which had become the center of a popular cult, was destroyed and his remains dispersed—either burned or thrown into the River Rhone, according to contemporary accounts. It is understandable that later, respectable theologians did not want to cite the work of such a suspect figure in defending their views on infallibility.<sup>34</sup>

But proof of citation is not the same as proof of influence. The point can be illustrated from the history of another quite different doctrine of Olivi. In one of his writings on the nature of property, he developed a theory of "subjective utility" which has seemed of the highest importance

<sup>33</sup> I used these words in *Origins* 121.

<sup>34</sup> On the other hand, Gallican adversaries of infallibility, including Bossuet, sometimes recalled the origin of the doctrine among the radical Franciscans, though without specific reference to Olivi. See Bossuet's *Gallia orthodoxa* in *Oeuvres complètes* 10 (Paris: Gaume Frères, 1846) 33.

to modern economic historians. One of them called it "a jewel of economic thought." And yet this theory aroused no interest or comment among Olivi's immediate contemporaries, so far as we know, and it was ignored after his death. Olivi's doctrine became well known in the later Middle Ages only because it was quoted by San Bernardino—but Bernardino quoted it without any reference to his source. Modern historians have discovered only quite recently that Peter Olivi, not Bernardino, was the real originator of the doctrine.<sup>35</sup>

The same kind of thing happened with Olivi's theory of papal infallibility, except that in this case it did not take a century for his influential, though unacknowledged teaching to enter the mainstream of theological thought. In 1323 a major dispute broke out between Pope John XXII and the Franciscan Order. In the course of the ensuing debates, theologians on both sides began to develop theories of papal infallibility that carried on Olivi's thought, though always without any specific mention of his *quaestio*. (The motives of the two sides were different of course. The Franciscans wanted to prove that a pope could not revoke the decision of a previous pope "in faith and morals," having in mind specifically Nicholas III's decree *Exiit*. The propapal theologians were mainly concerned to refute the argument that a pope was subject to a general council in matters of faith.)

It would be hard to imagine that theologians in either camp were ignorant of the views of Olivi; his writings had been a focus of intense debate and investigation ever since his death. It is easy, on the other hand, to see why neither side chose to quote him as an authority. The propapal writers would naturally not appeal to an author whose views the pope had condemned. But the leader of the dissident Franciscans, Michael of Cesena, had also been an adversary of Olivi and, as minister-general of the Order, had secured the condemnation of his works in 1319.

From this point onward the theory of papal inerrancy put forward by Olivi was always present in late medieval ecclesiology, though the new doctrine was slow to win adherents. The ecclesiological issues involved in the Franciscan disputes were taken up again by the writers of the conciliar epoch, along with additional ones raised by the crisis of the Great Schism. Horst has rightly emphasized the late conciliar period as an important era in the development of thought about papal infallibility. But the issues discussed in great works of ecclesiology like those of Johannes de Turrecremata did not all arise from the immediate crises of the age. Johannes and his contemporaries asked questions like these: Is

<sup>35</sup> For an introduction to this question, see J. Kirshner, "Les travaux de Raymond de Roover sur la pensée économique des scholastiques," *Annales: Economie, sociétés, civilisations*, 1975, 318-38.

inerrancy in the faith something separable from supreme ecclesiastical jurisdiction? Should we not follow the teaching of a single individual who is faithful to Scripture rather than any church institution? Does a pope's private heresy deprive him of jurisdiction? Does the Holy Spirit prevent him from erring in his public pronouncements? Such questions had deep roots in earlier canon law and theology, but they were first drawn into public prominence during the Franciscan disputes of the early-14th century. They continued to echo in the works of the Counter Reformation theologians that Horst has studied so well.

Horst is inclined to see the ecclesiology of the Franciscan disputes as only a prelude (*ein Praeludium, ein Vorspiel*) to the real development of the doctrine of papal infallibility that came later.<sup>36</sup> But the distinction does not seem very meaningful. (I suppose every formulation of infallibility doctrine before Vatican I could be called a prelude to the actual definition of 1870.) It is more fitting to see Olivi as the initiator of a process of development that would continue on through the centuries in response to the changing needs and pressures of the times and the changing perceptions of theologians. We do not yet have a full and adequate account of the development of the doctrine of papal infallibility. But we know enough already to be sure of one thing at least: if the whole story is ever written, Peter John Olivi will play a major part in it.

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<sup>36</sup> *Unfehlbarkeit und Geschichte* 231-34.