

The Place of the Papacy in the Ecclesial Piety of the 11th-century Reformers Yves Congar, O.P.

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The understanding of the Church of the eleventh-century reformers, Gregory VII, and the canonists from 1018 onwards can be characterized by one word: it is Roman in its very nature. And this not only because it once again took up the point of view which was that of Rome itself after Leo I, but equally because of the degree to which it made the primacy of the see of Peter, the Roman Church, the central axis of the whole of its ecclesiology: the words caput and cardo, which Humbert of Moyenmoutier loved so much, fittingly sum up this way of understanding the situation.

No one doubted the primacy of Rome. It was recognized in the tenth century, despite the declarations of independence which were formulated at the synod of Saint-Basle (Vierzy, 991) by Arnulf of Orléans, though more probably by Gerbert of Aurillac, and which were renewed at the synod of Chelles (995). It is affirmed by a great number of passages in pre-Gregorian canonical collections: in the ancient Anselmo dedicata; in a very clear way in Pseudo-Isidore, but also in Burchard's Decretum. Otherwise however, it is conceived primarily as a ministry which is preeminent by its wisdom and its prudence, at the head of a Church which is guided by bishops and which receives its rules for living from the councils. Thus is it portrayed in the works of Rather of Verona, but equally still, in 1038, in the works of Halinard, abbot of Saint-Benigne of Dijon, who died as archbishop of Lyon.¹ The Normans, who were a power constantly on the rise, are full of veneration for St. Peter; Abbot William of Fécamp has a strong dedication to Rome; Lanfranc goes to Rome and is associated with Leo IX's reform movement.² Even imperial bishops do not question for a moment the primacy of the Pope, not even when the conflict between Henry IV and Gregory VII is at its

¹ See his letter to John XIX: PL 141, col.1157.

² See H. Böhmer, Kirche und Staat in England und in der Normandie im XI. und XII. Jahrhundert. Eine historische Studie. (Leipzig, 1889), pp.27f.

height.³

Nonetheless, when one looks closely at the texts and examines upon what precise grounds they founded this primacy, and what content and what a central place they granted to it in the ecclesiology which was being articulated, we need to recognize that, in comparison with these texts, those of the Gregorian reform express a new sensibility. (In what follows, we mean by "Gregorian reform" the movement to free the Church from the tutelage of the laity that began under Nicholas II.) In the tenth century, it was still the Ecclesia rather than the pope which constituted the fundamental reality.⁴ The men of the Gregorian reform, in contrast, saw the Church as dependent upon the pope and derived in some way from papal power. This is particularly true of those early exponents of a new, and still deeper, reaffirmation [of papal primacy], whom A. Fliche has grouped under the term "Lotharingian reform" and whose most ardent representative was Humbert of Moyenmoutier. From the beginning, they thought that if, according to an oft-repeated formula of Gregory the Great, bad priests are the ruin of the people,⁵ the health of the entire body of the Church depends on the Roman head.⁶ And as it is being formulated, this conviction finds its expression in a theology closely linked to the Church of Rome.

The most characteristic and densest text in this regard is the first of two fragments De Sancta Romana Ecclesia which Cardinal Humbert composed in all probability around 1053-54 in the context of the discussions with Byzantium which ended so tragically with his mission and the excommunication of the patriarch Michael

³ See C. Mirbt, Die Stellung Augustins in der Publizistik des Gregorianischen Kirchenstreits, (Leipzig, 1888), p.86 n.7; Die Publizistik im Zeitalter Gregors VII. (Leipzig, 1894), pp.552, 553 n.5, 554f, 564, 566; E. Voosen, Papauté et pouvoir civil à l'époque de Grégoire VII. Contribution à l'étude du droit public, (Gembloux, 1927), pp.119-20.

⁴ See H.M. Klinkenberg, "Der römische Primat im 10. Jahrhundert," Zeitschrift für Rechtsgeschichte 72 KA 41 (1955): 1-57.

⁵ Gregory I, Registrum IX, 218 (=MGH Epp.II, 208). See Gregory VII, Registrum IV, 11 (ed. Caspar MGH Epp. sel. II, 311; 1); IX, 35 (626, etc.); Deusdedit, Contra invasores c.15 (MGH, LdL II, 314).

⁶ See Peter Damian, Op.7 preface (PL 145, col.161); Op. 5 (= Acta Mediolanensis, PL 145, col.13); Disceptatio synodalis from 1062, which the feature, typical of Peter Damian, which links the Empire to the Holy See (LdL I, pp.76-8; or PL 145 col.67); Humbert of Moyenmoutier, Fragmenta de S. Romana Ecclesia (see here n.12). Leo IX, Letter to Cerularius, no.36 (PL 143, col.367 = Jaffé-Loewenfeld, 4302). For comparison, one can consult the letter of John VIII to Charles the Bald (PL 126, col.715 = J.- L., 3079).

Cerularius on 16 July 1054.⁷

In this piece Humbert developed the following claims: the health of the entire body of the Church depends upon the state of the Roman Church. The decisions of this Church set the guidelines for the life of the Church even more than Holy Scriptures and the traditiones paternae; above all, one appeals to its velle and its nolle. When Rome is animated by zeal for God, almost the entire world is found on the path towards God. If Rome is negligent or lazy, the entire world goes to its destruction. No one can require the Roman see to account for its faults; "quia cunctos ipse iudicaturus, a nemine est iudicandus, nisi forte reprehendatur a fide devius" (a restriction whose inclusion in Gratian as an extract from the Acta of the martyr Boniface comes to have a determining influence on the theology of the heretical pope⁸).

In a literal way, the Roman Church causes the rain and good weather (citing Job 12:14-15): "nec inmerito, cum ipsa specialius in Petro coeli terraeque retinet habenas [and not without reason, since it retains the bonds of heaven and earth more particularly in Peter]."

One should note, at this stage of the reformers' theology, the nuanced manner in which Humbert expresses himself. Theoretician from start to finish of a truly sovereign primacy of the Roman see, he nonetheless continues to respect the universal Church, which has, in its totality, received in the person of the apostle Peter the power to bind and lose: the power to govern is found specialius in the Roman see. In short, even Humbert preserves something of the Cyprianist ideology of Ecclesia which, as H.M. Klinkenberg has been able to show, was still very much present in the tenth century (see here n.4). One will not be at all surprised to find a similar nuance from the pen of Leo IX; for we know in fact that Humbert's hand held this pen: in a characteristic treatise which the pope sent in September 1053 to Michael Cerularius and Leo of Achrida, he continues, after citing the text of I Peter 2:9: "genus electum, regale sacerdotium" [chosen people, chosen priesthood]:

⁷ For the Sitz im Leben of the document, see J.J. Ryan, "Cardinal Humbert's De S. Romana Ecclesia: Relics of Romano-Byzantine Relations, 1053-1054," Mediaeval Studies 20 (1958): 206-238. The texts mentioned appeared under the name of Boniface in the canonical collection of Deusdedit (ed. Wolf von Glanvell, 177-78; 189-92). P.E. Schramm published them (Kaiser, Rom und Renovatio. Studien und Texte zur Geschichte des römischen Erneuerungsgedankens vom Ende des karolingischen Reiches bis zum Investiturstreit, 2 vol. (Leipzig-Berlin, 1929), II, pp.120-33) with an appendix by A. Michel in which the attribution to Humbert is justified on the basis of stylistic similarities.

⁸ C.6, D.xl (ed. Friedberg, col.146). See A. Michel, "Humbert von Silva Candida (d.1061) bei Gratian, eine Zussammenfassung," Studia Gratiana 1 (1953): 85-117.

Quod quamvis omnibus Ecclesiis Christi, quae unam catholicam in toto mundo efficiunt, a principe apostolorum sit vere dictum, nulli tamen verius aptatur quam illi cui proprie praesidet ipse qui coelestis regni meruit gubernacula obtinere, Domine Jesu Christo sibi dicente: "Tibi dabo claves regni coelorum," et, in speciali potestate ligandi atque solvendi, summi sacerdotii privilegium.⁹

[This statement, although it was truly said by the prince of the apostles to all the Churches of Christ which together make up the one catholic Church in the entire world, is nonetheless applied more truthfully to no church more than to the one over which he himself presides who merited to receive the reins of the heavenly kingdom, when the Lord Jesus Christ said to him: "To you I shall give the keys of the heavenly kingdom" and in his special power to bind and loose, the privilege of the highest priest.]

Here one continues to see the presence of a certain duality even as a relationship is described between the Church universal and the Church of Rome which is so close as to be tantamount to a kind of unity . The Roman Church is in certain respects a particular church, even while it is not just a particular church among those forming the Church universal. The Ecclesia universalis itself is not an agglomerate of identical or similar elements, but an organism, a body.¹⁰ Compared to the tenth century, which rarely expressed the sentiment of a universal Church which is visible as such and has a juridical structure, the second half of the eleventh century literally overflows with positive expressions of this sentiment.¹¹

⁹ PL 143, col.752A (no.12) = J.L. 4302. — See Placidus of Nonantola, Liber de honore Ecclesiae I: LdL II, p.575): all the apostles received the ecclesial ministry but Peter received it "specialius". Here one can clearly see an intermediate stage between the Cyprianic formulation, which was still largely accepted in the 10th century and according to which all the apostles received what Peter received first (understood in the purely chronological sense), and the Gregorian formulation which said that Peter received everything, with the result that the power of the others derives solely from participation in the fullness of his power.

¹⁰ Sections 37 to 39 of Leo IX's Letter to Cerularius (PL 143, cols.367-8) can be considered as representative. In the papal bulls after the era of the Church Fathers, one speaks of the Body of Christ as an organism ordered hierarchical, whose head is the see of Rome.

¹¹ In particular under the pen of Gregory VII: see K. Hofmann, Der «Dictatus papae» Gregors VII. Eine rechtsgeschichtliche Erklärung (=Görres-gesellschaft. Veröffentlichungen der Sektion für Rechts- und

Within the entire organism of the Church, the Roman Church has a position such that all the others depend on it. The Gregorians compare it endlessly to the hinge of a door upon which all the rest hangs; to the head of a body, to the mother of a large family or to the teacher of numerous students. Or again, as they said, the Roman Church is for all the other Churches the fons, origo, fundamentum, basis.¹² Bonizo of Sutri goes so far as to call it the "vertex et firmamentum omnium ecclesiarum" and to claim that, with the exception of the Eucharist, all the sacraments "ab ipso [Petro] sumpserunt exordium."¹³ Many of these designations, especially the words caput and cardo, come from the vocabulary of Pseudo-Isidore, the texts of which are cited in great abundance by the Gregorians.¹⁴

This preeminent and decisive position belongs to the Roman Church by reason of a positive and immediate decision by the Lord, speciali dispositione. While the tenth century frequently referred the canonical primacy of the Roman Church to a decision which was taken by the Ecclesia at the time of a council (see Klinkenberg, cited here n.4), the Gregorians tirelessly affirmed that the Roman Church, and it alone, was founded directly by God, and that it received its privileges from Him alone.¹⁵ This is

Staatswissenschaft, 63), (Paderborn, 1933), p.35.

¹² Cardo et cardo: Leo IX (Humbert), Letter to Cerularius, §32 (PL 143, col.765B); Collection in 74 Titles (Humbert?), I,2: cardo et caput; I,4: "Mater omnium Ecclesiarum"; I,12: "fundamentum et forma" (see Thayer's edition of Anselm's Collectio Canonum, pp.9f); A. Michel, Die Sentenzen des Kardinals Humbert, das erste Buch der päpstlichen Reform (Stuttgart, 1943), pp.10f, 18; new ed.1952); Peter Damian, Epistola II,19 to Leo IX (PL 144, col.288: "Mater, Magistra, fons, caput"); Humbert (see here n.6). Fons: Humbert, Fragment A De S. Romana Ecclesia (Schramm, 129) and the numerous passages cited by A. Michel (or in Schramm, 135, or in Humbert und Kerularios t.1 (1929), p.119). See Leo IX (Humbert?) in his letter to the archbishop of Carthage (PL 143, col.728; Jaffé-Loewenfeld, 4304). Mater et Magistra: see here n.23-24. Fundamentum basis: Peter Damian, Disceptatio synodalis (LdL 1, 77-78); numerous references in Mirbt, Die Publizistik, p.553 n.3. — Deusdedit classes the texts of his collection of canons by the titles: "[Roma] caput et mater omnium Ecclesiarum": bk.1, c.6; 28; 60; 131; "Fundamentum et forma": bk.1, c.113.

¹³ De vita christiana, IV, 1 (ed. Perels, pp.111f).

¹⁴ Pseudo-Isidore: Pseudo Anaclete, ed. Hinschius, pp.68-75 and 84 (Ep.3, 34). The dependence of Gregorian texts on the False Decretals is considerable: see here below n.41; on the influence which they exercised on Leo IX (and Humbert!) in this regard, see P. Fournier, "Etudes sur les Fausses Décrétales," RHE 7 (1907): 56 (summary); E. Voosen, op. cit. above n.3, p.32 n.107; P. Funk, "Pseudo-Isidor gegen Heinrichs III. Kirchenhoheit," HJ 56 (1936): 305-330.

¹⁵ The probable source is the Decretum Gelasianum transmitted in the Collectio Hadriana aucta (89 & 133): see K. Hofmann, op. cit. above n.11, pp.24f; J.J. Ryan, St. Peter Damian and his Canonical Sources.

why its position is in all respects "a particular and unique" one in the Church.¹⁶ It is also in a particular way the entire Church, just as the head is the entire body, the mother the entire family, and the teacher the entire school. For this reason, in the works of the Gregorians, the expressions Ecclesia (universalis) and Ecclesia Romana tend to signify the same thing, even though one is dealing with two different terms.¹⁷

The Lord's institution [of the Roman Church] is mentioned in a very clear way in the Petrine texts (Mt.16:18-19; Lk.22:32; Jn.21:15-17). According to all appearances, these texts were well known and often cited, but, outside Rome and sometimes even within Rome, people were far from giving them the weighty sense which implied per se Christ's establishment of Roman primacy, a primacy which was founded on Peter's primacy of authority among the other apostles. The Roman interpretation existed of course: Pope Leo had formulated it in an unforgettable way and the popes often reasserted it, in particular Nicholas I and John VIII in the ninth century. There was nevertheless a strong current - which would survive until the first Vatican council and which only disappeared with the departure of its proponents from the Church -

(Toronto, 1956), pp.60f. — See Peter Damian, Disceptatio synodalis (LdL I, 78 = PL 145, col.68); Opusculum 5 (=Acta Mediolanensis, PL 145, col.91C), a passage incorporated into the collections of Deusdedit (I, 167: ed.Wolf von Glanvell, p.106); of Anselm (ed.Thanerm pp.31f), and of Bonizo of Sutri (De vita christiana IV, 82: ed. Perels, p.146). See also Gregory VII, Dictatus papae, 1, and Registrum III, 6 (ed. Caspar, 202 and 255, ll.5-6); the Collection in 74 Titles, c.2, 10, 12, 17; Bernold of Constance, Apologeticus c.23 (LdL II, p.87), etc. — It is, however, necessary to state that Gregory VII placed great importance upon the consent of the Churches and to ancient right, except in a certain way at the heart of the institution of primacy or at least in its exercise (see Registrum VIII, 21 to Hermann of Metz: ed. Caspar, pp.548f).

¹⁶ These words appear quite frequently in Leo IX's Letter to Cerularius §13 & §38 (PL 143, col.752D,753B & 768B).

¹⁷ The movement from the Ecclesia Romana to the Ecclesia catholica is particularly frequent: for example in the papal election decree of 1059 ("episcopus sive pontifex universalis Ecclesiae" "obeunte huius Romanae universalis ecclesiae pontifice": MGH, Leges, sect.iv, Constitutiones imperiales, n.382). The other Churches are members of the Roman Church: Gregory VII, Registrum IV,16 (321, 8); Deusdedit gives the rules for living of the entire (Latin!) Church when he refers to the discipline of the Roman clergy. All of this is included in the ideas of mater, caput, matrix. See the remarks of J. Gauss ("Die Dictatus-Thesen Gregors VII," Zeitschrift für Rechtsgeschichte 40 kan. Abt.29 (1940): 1-115; esp.44f); those of G. Ladner ("The Concepts of Ecclesia and Christianitas ... in Sacerdozio e Regno da Gregorio VII a Bonifacio VIII, (Rome, 1954), pp.49-77); and of Walter Ullmann (The Growth of Papal Government in the Middle Ages..., (London, 1955), pp.266f; 319). Some twelfth-century examples are: the Privilegium imperatoris of the Concordat of Worms; in a text of the monk Melior of Canterbury, it is said: "pro Cantuarienses, sed et pro Anglicana, sed pro Romana et universali ecclesia" (Epistolae Cantuarienses, edited by Stubbs, Rolls Series 120).

according to which the powers of sacerdotal ministry were given to the Church and to the assembly of bishops of whom Peter, in the matter in question, was only the representative. When dealing with the universal power of the episcopate, the primacy of the bishop of Rome was not constitutive in nature but executive, to employ a vocabulary used by Möhler at the beginning of the 19th century.¹⁸

In the works of the reformers, in contrast, the three Petrine texts are not only gathered together, related to one another,¹⁹ and tirelessly cited (Mt.16 appears no less than six times in Leo IX's letter to Michael Cerularius); they are likewise interpreted in favor of the Roman see alone: this is the case above all for Matthew 16:18-19.²⁰ In this manner, Roman primacy is established not only as a given of canon law deriving from the decisions with which the Church rules its own life, but as a given of nature and a part of dogmatic — as a truth of faith inherent in the structure of the Church and willed by God.

Simply by failing to submit, one becomes a heretic.²¹ Heresy becomes a refusal to submit to the apostolic see; faith becomes obedience.²² It is true, however, that this

¹⁸ It would be worthwhile to readdress, with modern research methods, the work of J. Langen (Das Vatikanische Dogma von dem Universal-Episcopat des Papstes in seinem Verhältnis zur exegetischen Überlieferung vom 7. bis zum 13. Jahrhundert, (Bonn, 1872), a work which gathers together and cites texts, at least of the viewpoint which interest the author). See also J. Gross, "Die Schlüsselgewalt nach Haimo von Auxerre," Zeitschrift für Religions- und Geistesgeschichte 9 (1957): 30-41; H.M. Klinkenberg, op. cit. above n.4; one should add, for comparison, the texts of Eugen Vulgarius (De causa Formosiana XI; see E. Dümmler, Auxilius und Vulgarius, (Leipzig, 1866), p.130) as well as those of William of Saint-Benigne (see here n.1) Also very informative are the uses of Matthew 16 of Anselm of Bec, whose pastoral are nonetheless Gregorian: see Spicilegium Beccense 1 (Le Bec/Paris, 1955), 382. In Anselm, the Petrine texts do not have the same significance as a foundation of dogma as in the writings of true Gregorians.

¹⁹ See for example Leo IX's Letter to Michael Cerularius §15-16 (PL 143, col.756); Gregory VII, Registrum III, 10; VII, 2 (Letter of 1076 to Hermann of Metz); VIII, 21; IV, 35.

²⁰ See Peter Damian, Opusculum 5 (=Acta Mediolanensis: PL 145, col.91 BC). When the old Augustinian argument is presented, for example by Bernold of Constance, it is done without drawing out the implications of it in favor of the Ecclesia: Apologeticae rationes (LdL II, p.97).

²¹ See Peter Damian, Opusculum 5 (=Acta Mediolanensis: PL 145, col.91CD); Anselm of Lucca, Collectio canonum I, 63 (ed. Thaner, p.32); Pseudo-Anselm, De nuptiis consanguineorum c.1 (PL 158, 557B).

²² See Gregory VII, Dictatus papae, 26: "Quod catholicus non habeatur, qui non concordat Romanae Ecclesiae"(ed. Caspar, 207); see also 17: "Quod nullum capitulum nullusque liber canonicus habeatur absque illius [papae] auctoritate" (p.205, where parallels are also given; for the interpretation, see S.

obedience was understood in a very mystical way by Gregory VII and that it took on an unusually strong religious dimension in his anthropology.

The titles cardo, caput, mater and likewise pons, fundamentum, and basis, which the Gregorians gave to the Roman Church, had a basic meaning in common: they characterized this church as the key element upon which the whole of the Church was built and formed, and which therefore exercised sovereign authority over it. This way of understanding things is observable above all for the term mater, upon which we would like to pause for a moment, since it is unquestionably the one which Gregory VII employed the most. Without pretending to be complete, we have found in his works more than 30 uses of the word.²³ It appears with equal frequency in the reform writers and in the works of St. Anselm who, when he wrote to the kings to plead before them for the liberty of the Church, loves to call it "sponsa Dei, mater vestra."²⁴ In Gregory VII, the title mater, when applied to the Church and above all to the Roman Church, has a clearly defined meaning, e.g. as it is preserved for us in his second letter to Hermann of Metz.²⁵ In this letter, the full weight of the Roman Church's primacy, its sovereignty, its guiding role, and universal normative importance are clearly expressed. It is essentially about its authority. In fragment A De Sancta Romana Ecclesia by Cardinal Humbert, the idea of maternity, applied to the Roman Church, is developed without passing through the idea of disciplina. The understanding of the Church which is developed

Kuttner, Studi Gregoriani II, pp.387-401); canon 3 of the Dictatus of Avranches says: "Qui decretis Sedis apostolicae non consenserit, hereticus habendus est." — Gregory VII, Registrum VII, 24 (ed. Caspar, 504 ln.26 with n.6; to the parallels mentioned by Caspar one can add those given by Mirbt, Die Publizistik...., p.565 n.4 and A. Michel, Die Sentenzen...., p.48 n.3); Liber canonum contra Henricum IV, IV (LdL I, 480); Bonizo of Sutri, Liber ad amicum 6 (LdL I, 591); Peter Damian, Ep.I, 20 (PL 144, col.241). For the canonical sources, see J.J. Ryan, Saint Peter Damian and his Canonical Sources, (Toronto, 1956), pp.78-80. Faith becomes obedience: see W. Wühr, Studien zu Gregor VII (München, 1930), p.28. See likewise Gregory VII's very frequent use of I Kings 15:24: "periculum inobedientiae, quod est scelus idolatriae."

²³ Reg. (ed. Caspar) I,15 («mater vestra et totius christianitatis»); I,27; I,28; I,29; I,64; I,70; II,49; II,51; II,63; II,75; III,3; III,10a; III,14; III,16; IV,27; IV,28; V,10; V,13; VI,12; VI,30; VII,5; VIII,9; VIII,12; VIII,16; VIII,21; IX,2; IX,9; IX,17; etc.

²⁴ The Roman Church is "mater omnium ecclesiarum": Peter Damian, Liber Gratissimus, 29 (=LdL I, p.59); Bruno of Segni, Ep. 2 (=LdL II, 564), etc. She is the "mater et magistra", a phrase which occurs very often in Peter Damian (Epistola I,20: PL 144, 238; etc.) For Anselm, see Y. Congar, "L'Eglise chez S. Anselme," in Spicilegium Beccense I (Paris, 1959), pp.371-399 (esp. p.371, 390f).

²⁵ Registrum VIII, 21 (ed. Caspar, pp.548 ln.10-550 ln.18). If one wanted to be clear about the precise sense of the title mater, which coincides with the titles caput, origo, and cardo, it is necessary to consult the False Decretals in the form in which they were used and circulated by Anselm of Lucca.

there — to the extent that it does not purely and simply re-use the spiritual language received from the early Middle Ages and the Fathers — is deployed under the rubric of the priesthood's authority and, in a particular way, the authority of the sovereign papacy, which was related to the positive institution of the Lord. Papal power is no longer simply a fact of canon law; it enters into the dogmatic definition of the Church. Furthermore, it does not simply have a place in dogma, but in fact is given the decisive position: the place of a prince with constitutive powers.

The development which led to this point was, for the most part, the work not so much of theologians as of canonists, if it is true that this distinction could have in that age as clear a meaning as it does today.

When he was still Hildebrand and archdeacon of the Roman Church, but already internally connected to the work of reform, Gregory VII had asked Peter Damian to collect from the decrees and acts of the popes everything which related to the authority of the Roman see and to compare them.²⁶ Peter Damian did not fulfill his task, but others did it after him. For canonical science, the rise of which was Gregory VII's urgent demand — although he undoubtedly renewed it along with others — was going to prove decisive.²⁷ For canon law now took a turn which it is necessary to trace with care, since it concerns a turning point in an entire vision of "ecclesial piety", if not a turning point in catholic ecclesiology as a whole.

In the twenty-seven theses which bear the title Dictatus papae, the "syllabus of ideas which came to dominate the entire history of his pontificate from then on,"²⁸ we are perhaps in the presence of a witness to the manner in which Gregory VII represented the collection which he ordered. It seems to us very unlikely, however, that the 27 theses constitute a list of conditions upon which the reestablishment of union with the East could have depended,²⁹ nor that it represents the framework of a great

²⁶ Hildebrand asked him "ut Romanorum pontificum decreta vel gesta percurrens, quicquid apostolicae Sedis auctoritati specialiter competere videretur... in parvi voluminis unionem novae compilationis arte conflarem": Op. 5 (=Acta Mediolanensis de privilegio Romanae Ecclesiae, PL 145, col.89C).

²⁷ See P. Fournier, "Un tournant dans l'histoire du droit, 1060-1140," Revue d'histoire du droit 41 (1917): 129-80; P. Fournier and G. LeBras, Histoire des collections canoniques en Occident..., (Paris, 1932), II, pp.7f; W. Ullmann, op. cit. above n.???, p.365 n.2 and ch. XI. pp.359ff.

²⁸ E. Voosen, op. cit. above n.3, p.71. The text itself is found in Gregory VII, Registrum II, 55a.

²⁹ This opinion was maintained by J. Gauss ("Die Dictatus-Thesen Gregors VII. als Unionforderung. Ein historischer Erklärungsversuch," Zeitschrift für Rechtsgeschichte 60 kan. Abt. 29 (1940): 1-115.

exposé for the Lenten council in Rome in 1075.³⁰ The interpretation proposed by G.B. Borino — according to which we are dealing with the index of a collection of texts that has been lost but can be reconstructed with a certain degree of probability — has received rather broad acceptance among historians of canon law and even specialists on Gregory VII.³¹ Nonetheless, it is perhaps safer if we maintain the original hypothesis of K. Hofmann towards which A. Fliche also inclines: the Dictatus would have been a framework for research, a program proposed out of zeal of the Gregorian canonists, a simple plan for collection.³²

The ideological principles which inspired the 27 theses could be summarized in a few words: the Roman see or the pope (he alone), once having been established by the Lord himself, can do everything in the Church; without him nothing of value can be done. He judges all and is judged by none. The word solus... recurs endlessly. Basically, the Dictatus papae presents through its various juridical decisions the vision of Rome which constitutes the ecclesiological heart of the entire eleventh-century reform and whose expression we have encountered in these essentially equivalent terms: cardo, caput, fons, mater, fundamentum. The ecclesiology of the Gregorian reform is one which is, first of all, determined by Roman primacy and, by extension, the primacy of a papal power that is truly constitutive; and second, an ecclesiology which is formulated and elaborated in an essentially juridical way. It is impossible, therefore, to excuse oneself from looking for it in the canonical collections of the time and — in order to better understand the new vision which influenced them — to compare it with the collections which existed and were in use before the middle of the 11th century.

In this respect, as much as for its value as for its diffusion, we can consider as representative the collection of Burchard of Worms, compiled between 1008 and 1012.³³

³⁰ This view was proposed by R. Koehner ("Der Dictatus Papae," in Kritische Beiträge zur Geschichte des Mittelalters. Festschrift für R. Holtzmann (=Historische Studien, 238), (Berlin, 1933), pp.64-92.

³¹ G.B. Borino, "Un'ipotesi sul Dictatus papae di Gregorio VII," Archivio della Romana deputazione di Storia patria 67 (1944):237-52. In agreement are K. Hofmann, Stephan Kuttner, P. Feine, P.E. Schramm, W. Ullmann, among others.

³² K. Hofmann, Der «Dictatus Papae» Gregors VII (=Veröffentlichungen der Sektion für Rechts- und Staatswissenschaft der Görres-Gesellschaft, 63), (Paderborn, 1933); A. Fliche, La Réforme grégorienne II, (Paris-Louvain, 1925), p.192, 202f.

³³ On Burchard, see A. P. Königer, Burchard I. von Worms und die deutsche Kirche seiner Zeit (=Veröffentlichungen des Kirchenhistorischen Seminars München, II/6), (München, 1905); P. Fournier, "Le décret de Burchard de Worms, son caractère et son influence," RHE 12 (1911): 451-73; 670-701; Fournier-

Burchard's Decretum begins with a book entitled De primatu Ecclesiae, which concerns the position of bishops; its first canon, drawn from Pseudo-Anaclete, affirms that the ordo sacerdotalis had its beginning in Peter. Certainly, by reason of this fact the Roman church has a primacy in the ordo sacerdotalis (c.2), and a whole series of canons goes on to demonstrate its very real character. Yet one still adds that the Primae sedis episcopus must only be called thus, not princeps sacerdotum or summus sacerdos. Nothing is more significant than this opening; what follows does not contradict it. Papal power is seen along Cyprianic lines; it is not inherently different from the power of other bishops. If the keys have been given in a particular way to Peter, all the bishops have likewise received to no less a degree the power of binding and loosing.(I,125) The papacy is not placed at the dogmatic level of ecclesiology, as the foundation and source of the entire life of the Church, but at the head of its juridical life, as the court of last resort to which the causae maiores [more serious cases/matters] must be submitted.(I,178) We are far from the Gregorian canonists who expressed themselves through the sequence: Christ - Peter - pope - Ecclesia. It is not certain that Burchard was badly copied in Italy, as O. Meyer believed.³⁴ On the contrary, it is known that in order to bring a collection that enjoyed such a wide diffusion into conformity with the new norms, i.e. those of the reform, Humbert thought that he had to retouch Burchard by injecting a supplementary dose of Pseudo-isidorian texts.³⁵

Similar remarks can be made concerning other collections before the middle of the 11th century: Rather of Verona's Praeloquiorum libri sex, for example, presents an image of an episcopal Church the doctrinal definition of which does not include the primacy of the pope;³⁶ the same goes for the Italian collection in five books;³⁷ the

LeBras, Histoire des collections... I, pp.364ff.

³⁴ O. Meyer, "Überlieferung und Verbreitung des Dekrets des Bischofs Burchard," Zeitschrift für Rechtsgeschichte 55 kan Abt. 24 (1935): 141-83. See also C.G. Mor, "Le reazione al Decretum Burchardi in Italia avanti la Riforma Gregoriana," SG 1 (1947):197-206. Critically received by J.J. Ryan, Peter Damian and his Canonical Sources, p.161.

³⁵ Such at least is the thesis of A. Michel ("Pseudo-Isidor, die Sentenzen Humberts und Burchard von Worms im Investiturstreit," Zeitschrift für Rechtsgeschichte 66 KA 35 (1948): 329-31 or Studi Gregoriani III, pp.149-61) against F. Pelster ("Das Dekret Burchard von Worms in einer Redaktion aus dem Beginn der Gregorianische Reform [Cod. Vat. lat.2809 and Cod. Monac. lat. 4570]," Studi Gregoriani I(1947): 321-51.)

³⁶ Text: PL 136. See also Klinkenberg, op. cit. n.4, pp.16-24.

³⁷ On this collection, see Fournier-LeBras, Histoire des collections... I, pp.421ff.

Anselmo dedicata, still more ancient, does in fact begin with a book entitled "De primatu et dignitate Romanae Sedis, but it adds "aliorumque primatum, patriarchum, archiepiscoporum atque metropolitanorum": the inspiration is Roman, nonetheless.³⁸

Compare this with the canonical collections of the reform: for example, the Collection in 74 Titles or (Diversorum Patrum) Sententiae, the attribution of which to Cardinal Humbert, which A. Michel supported, has encountered significant problems, although no other attribution has replaced it. The date of its composition varies between 1050 and 1060.³⁹ In addition, compare them with the collection of Atto (before 1080), but above all with the collections of Anselm of Lucca (ca.1083) and Cardinal Deusdedit (between 1083-1087).⁴⁰

All of these collections begin with a section entitled, "De potestate et primatu Apostolicae Sedis," as Anselm says. This collection, which we shall consider as representative for the others, underlines from the very outset the fact that everything rests upon the apostolic see, everything has its source in it, everything is ruled by it, by virtue of Mt. 16:18-19 (I, c.1-3). To contradict and trouble the pope means to place oneself outside Christ and the kingdom of heaven (c.3-5); the other Churches exist fundamentally because the Roman see calls them "in partem sollicitudinis" (c.9; see c.18,

³⁸ See the Dictionnaire de droit canonique I (1935), pp.578-83 (Amanieu); J.C. Besse, Histoire des textes du droit de l'Eglise au Moyen Age du Denys à Gratien. Collection Anselmo dedicata, Etude et texte (extracts), (Paris, 1957).

³⁹ See A. Michel, Die Sentenzen...; "Humbert von Silva Candida" (the article attempts to respond to several problems, although Michel's thesis has found large acceptance: see the references p.108 n.128). The principle objection to attributing the work to Cardinal Humbert and against the date proposed by A. Michel in this context (1050-1053) remains the request made by Hildebrand to Peter - and confirmed by Damian himself - to assemble such a collection. The attribution of the Sententiae to Peter Damian himself does not work, as J.J. Ryan has shown (op.cit.n.22, p.157). Recently, its attribution to Bernold of Constance has been proposed: J. Autenreith, "Bernold von Konstanz und die erweiterte 74-Titelsammlung," Deutsches Archiv 14 (1958)L 375-94.

⁴⁰ Atto, Breviarum, ed. A Mai in Scriptorum Veterum Nova Collectio IV/2 (Rome, 1832), pp.60ff. See the article of R. Naz, "Atton," in Dictionnaire du droit canonique I (1935), pp.1330-1. Anselm of Lucca: partial edition by Fr. Thaner (Innsbruck, 1906 & repr. Aalen, 1965) which only extends to the eleventh book of the thirteen book collection. For the missing portion, it is necessary to rely on the list of chapters published in A. Mai (and reprinted in PL 149, cols.485ff) or the concordance placed by Friedberg at the beginning of the Corpus iuris (I, p.xlixf). See P. Montanari, La "Collectio canonum" di S. Anselmo di Lucca e la riforma gregoriana (Mantua, 1941); Amanieu, art. in DDC I (1935), pp.567-78. Deusdedit: edited by Wolf von Glanvell (Paderborn, 1905). See E. Hirsch, "Die rechtliche Stellung der römischen Kirche und des Papstes nach Kardinal Deusdedit," Archiv für katholisches Kirchenrecht 88 (1908):595-624; Ch. Lefebvre, "Deusdedit," in DDC IV (1949):1186-1191.

63); the Roman Church is the head which the entire body must follow (c.11): just as the Son did the will of the Father, the Churches must fulfill the will of the Mother (c.12). All of this is supported by texts, the lion's share of which are false Decretals. In Rome under Leo IX, these decretals enjoyed a new and great popularity, and even if Gregory VII personally seems to have made relatively restrained use of them, the Gregorian canonists never ceased referring to them.⁴¹

The collection of Cardinal Deusdedit was not very widely disseminated and not much more used. Yet it is an exceptionally significant representative of the canonists' new ecclesiology. He himself expressed his intentions thus: "Itaque ego auctoritatis ipsius [Romanae Ecclesiae] privilegium, quo omni Christianae Orbi praemineat, ignorantibus patefacere cupiens..." [And so I, wishing to make clear to the ignorant the privilege of its (the Roman Church's) authority by which it stands above the Christian world...]⁴² To each chapter he gives a title which ought to sum up the content of the "authority" cited; instead his statement often goes beyond the text to the point that it no longer relates to them. His predominant concern becomes his only concern, one from which the reader is never freed. He endlessly gathers together all the texts which speak of the unity of the Church as if they related principally to the pope, and he includes all their blessings on the benefits of papal ministry. Primacy is, in fact, the constitutive reality of the Ecclesia.

The direction of this new phase of canon law is very clear. It is a response to the influence of the Gregorian reform which inspired it and consists in two main points. First, the Church possesses its own special law: this was a requirement which had become absolutely necessary and was intended to break with the ambiguity inherited

⁴¹ Thus, it was possible for 20 of the first 84 canons of Anselm of Lucca to derive from inauthentic texts and for 18 to be taken from the False Decretals. Among the four authentic texts, that of Cyprian (c.10) is not even understood in its original sense. On this subject, see DDC I, p.570. — In the Sententiae or Collection in 74 Titles, 250 of the 315 canons are taken from the False Decretals (see A. Michel, Die Sentenzen..., p.11f, 97-104). At the same time, with Leo IX, Pseudo-Isidore experienced a second spring of preferential treatment, although Peter Damian cites it very little (a deciding factor in not attributing the composition of the Collection in 74 Titles to him) and he also expresses some doubts about it, at least with regard to the Canones Apostolorum. In the writings of Gregory VII himself, the False Decretals are cited only 13 times (see Registrum, ed. Caspar 272 n.1, 282). It is however also true that Gregory cites very few authorities; yet it is very important to take account of the fact that 17 propositions of the Dictatus papae can be referred back to the False Decretals (see W. Wühr, op. cit. n.22, pp.114-21), although one cannot explain all the theses of the 1075 Dictatus as deriving from them, as F. Rocquain tried to do ("Quelques mots sur le Dictatus papae," BEC 33 (1872): 378ff). See also n.14.

⁴² Prologue; see the edition indicated in n.7.

from the Carolingians in which Church and Empire lived in symbiosis and were guided by a public law which was the law of the Church in the life of the Empire, and the law of the Empire in the life of the Church. Second, the source and measure of this law, and likewise of the entire life of the Church, does not reside in the Ecclesia itself, e.g. in the fact that it holds its legislative assemblies in councils, but in the truly monarchical power of the Roman see.

All power in the Church derives from this see. The theme of the Fathers, notably Augustine and the Africans, according to which Peter is the origo of the ordo sacerdotalis of the entire Church, is transposed onto the Church of Rome.⁴³ At the same time, it is transposed from the level of a simple manifestation of unity, with the accent placed on the unity of origin, to that of a thesis of public law. The pope is the one "a quo omnis ecclesiastica potestas procedit."⁴⁴ He is the supreme judge and can be judged by no one.⁴⁵ His jurisdiction is such as the first Vatican Council will formulate it: a universal jurisdiction, episcopal in the proper sense; he is the bishop of the world and he holds over all Christians a power which is superior to the power of the bishop of any single place.⁴⁶ He is the pastor of the bishops themselves.⁴⁷ If one understands the

⁴³ While the Fathers said: the Lord made the ordo sacerdotalis of the entire Church begin in Peter (and he is the origin in this sense), in order to emphasize the unity of the Church, this origin is transformed in the works of Anselm of Lucca to the benefit of the Roman Church by the simple fact that the text of Pseudo-Anacleto (c.1) or the text of Cyprian (c.10) are cited in a book which has as its title: "De potestate et primatu Apostolicae sedis." In the schema of the thought of the Gregorian canonists, God (Christ) has only founded the Roman

Church in an immediate way, and this Church has in turn conferred the titles on all other ecclesiastical dignitaries: see Anselm I, 9 (cit. of Pseudo-Vigilius, c.7; ed. Hinschius, p.712) and I, 63 (ed. Thaner, 10 and 31f). Deusededit I, 167 (ed. von Glanvell, 106); Bonizo, De vita christiana, IV, 62 (ed. Perels, 146).

⁴⁴ Bernold of Constance, Apologeticum super excommunicationem Gregorii Septimi in MGH LdL II, p.161.

⁴⁵ See the Dictatus papae, 18 & 19; Gregory VII, Registrum I, 60; VIII, 21; Anselm of Lucca, Collectio canonum I, 24, 53, etc. See E. Voosen, op.cit. n.3, pp.147ff. The historical development of the formula has been untangled by A.M. Königer ("Prima sedes a nemine iudicatur," in Beiträge zur Geschichte des christlichen Altertums und der byzantinischen Literatur. Festgabe A. Ehrhard (Bonn, 1922), pp.273-300.

⁴⁶ See Dictatus papae, 14: "Quod de omni Ecclesia quocumque voluerit clericum valeat ordinare"; 2: "Quod solus Romanus Pontifex iure dicatur universalis." Leo IX had avoided or even rejected the title of Pontifex universalis (see on this subject the Sententiae of Humbert, nos.184 & 185); Gregory VII, on the other hand, called himself "universalis pontifex" and "universalis Ecclesiae episcopus" (Registrum I, 21a; VI,17a; VIII,21: "Saint that he was, Ambrose was not it, but the pope is...") and Deusededit modifies in this direction the formula of the Liber diurnus: "Promitto ... summo pontifici et universali papae...." (See F.

Gregorians, there exists, properly speaking, only one power, that of the pope. According to them, the entire Church is an immense diocese which, at least potentially, extends over the entire earth, and in which the pope — since he cannot be everywhere and cannot do everything — calls vicars ("vices suas agentes") "in partem sollicitudinis", i.e. to share in his jurisdiction without having its fullness.⁴⁸

One can understand why, when Cardinal Humbert presented this ecclesiology to the Patriarch Michael Cerularius, the ecclesiological controversy which had already been going on for centuries, exploded at one blow in all its violence, and this all the more because the patriarch was far from having a fully and purely "catholic" spirit.⁴⁹

Dvornik, Le Schisme de Photius...(Paris, 1950), p.592).

⁴⁷ According to Bonizo: "Dominus non solum Ecclesiam sed etiam regendos tradidit apostolos (Petro)," De vita Christiana IV, 1 (ed. Perels, p.113). This thesis is characteristic of the transition from the Cyprianic or African interpretation of Matthew 16 to the Roman interpretation.

⁴⁸ The Church is seen as a unique kingdom: Leo IX (Humbert) to Cerularius, c.10 (PL 143, col.751: "Ut in toto orbe sacerdotes ita hunc caput habeant sicut omnes iudices regem." A. Michel thinks (SG 1, p.92) that Humbert has perhaps borrowed this idea from Aeneas of Paris (d.870) who was addressing himself to Photius. On this theology of Humbert, see H.-X. Arquillière, Saint Grégoire VII, (Paris, 1934), p.318. See also Bernold of Constance, Apologeticus, c.23: "Quilibet episcopus nec super gregem sibi commissum tantam potestatem habet, quantum presul apostolicus, qui licet curam suam in singulos episcopos diviserit, nullo modo tamen seipsum sua universali et principali potestate privavit, sicut nec rex regalem potentiam diminuit, licet regnum suum in diversos duces, comites sive iudices, diviserit" (= LdL II, p.88; the text is given by Mansi, v.20, p.430 and PL 148, col.783 CD as a text from the Roman synod of 9 March 1074). — For the idea of a single power and a single diocese in which the bishops are like vicars, one relies on either the inauthentic letter of Gregory IV (Jaffé, 2579) or on a False Decretal of this kind. It is also necessary to mention the text already cited by Bernold, see the Collection in 74 Titles, c.12 & 13 ("Ipsa namque ecclesia quae prima est, ita reliquis ecclesiis vices suas credidit largiendas, ut in partem sint vocatae sollicitudinis, non in plenitudinem potestatis": ed. Thaner, p.10); Humbert, Contra Simoniacos I, 5 (LdL 1, p.108 Ins.15ff); Bonizo of Sutri, De vita christiana IV, 80; see also III, 30 (ed.Perels, 146 & 81); Gregory VII, Registrum, I,12; II, 51; likewise a letter to the French bishops concerning the episcopal see of Le Mans which Ivo of Chartres preserves for us in Epistola 8 (PL 162, cols.19D-20A): "Nostra erit expectanda censura... quae [Ecclesia Romana] vices suas ita aliis impertivit Ecclesiis, ut sint in partem sollicitudinis, non in plenitudinem potestatis." Gregory VII, in contrast, uses the idea and the concept of vices suas for the legates in the proper and precise sense of the word.

⁴⁹ See nine hundred years later. "Notes sur le «Schisme oriental,» in L'Eglise et les Eglises, (Chevetogne, 1954), t.1, p.3-95; and "Conscience ecclésiologique en Orient et en Occident du VI^e au XI^e siècle," Istina 6 (1959): 187-236.

With the historians of canon law,⁵⁰ it is necessary to say here: the council of Trent and the first Vatican Council did not completely follow the ecclesiology of the 11th-century reform canonists, and they had greater respect for the divine institution of the episcopate, even if, in terms of dogma, they were not in a position to define it clearly.

This conception of a Church in which the vital laws all derive from papal power and radiate out from it, found its expression in an entire area of ecclesiastical control, the measures of which were developed through Gregorian canon law into normative legislation. This regime of ecclesiastical life grew stronger over the course of the pontificates of Leo IX, Alexander II, Gregory VII's immediate predecessor, Gregory VII himself, and his successors, and was characterized by papal centralization and intervention in the daily life of the Church.⁵¹ The principal measures of this development were: the codification of the law of dispensation along centralist lines; the unification of the liturgy, above all at the expense of the Greek rite in southern Italy occupied by the Normans and of the Mozarabic rite in Spain; the obligation of archbishops to come to Rome in person to receive their pallium within three months of their election and to offer the oath which accompanied the grant of the pallium;⁵² the extension of the practice of monastic exemption in favor of closer and more immediate submission to Rome; the expansion of the institution of the papal legate; the establishment by Gregory VII of permanent legates in the Empire, Lombardy, and France, which thereby created a jurisdictional venue outside the episcopal and metropolitan structures of these churches that was endowed with papal authority and caused its presence to be felt everywhere. Even if they were not bishops, these legates had authority over all the bishops (see the Dictatus c.4) because they not only were called "in partem sollicitudinis" but they became the representatives of the "plenitudo potestatis".

⁵⁰ Thus J.B. Sägmüller, Lehrbuch des katholischen Kirchenrechts 3rd ed. I, (Fribourg, 1914), p.385 n.3.

⁵¹ For an overview, see A. Fliche, La Réforme grégorienne II, p.205f; V. Martin, article "Pape", in Dictionnaire du Théologie chretienne XI, (1877-1944), n.3.

⁵² The text for episcopal ordination in the Latin rite still in use today (1960) is the same as that which Alexander II imposed on Guibert of Ravenna and which is preserved for us by Deusdedit (V, 423: ed. von Glanvell, p.599). For this historical development, see Th. Gottlob, Der kirchliche Amtseid der Bischöfe, (Bonn, 1936), pp.42ff for developments beginning in the eleventh century; see pp.176f for the text of Guibert's oath. The comparison of the oath of the Lombard bishops given in the Liber diurnus (ed. Sickel, 80; PL 105, col.74), which refers to the unity of the Church and the faith, with the text of the oath of Guibert of Ravenna, which focuses entirely on respect for the prerogatives of the Roman see, is very telling.

The form of government which was established has a name. We are no longer dealing simply with primacy, but with the papatus.

The appearance of a new word is always a sign that a new reality has emerged, in certain respects at least. Unfortunately, we do not yet possess a study of the word papatus comparable to that which exists for the word papa. P. Battifol was led to indicate, following Du Cange, that the word appears in Leo of Ostia at the beginning of the 12th century (1138).⁵³ Its origins, however, go back even earlier and this is what is interesting for us. Initially, it does not seem to have been charged with an ideological sense, but is simply — for the Roman see — the equivalent to what the word episcopatus signifies for any episcopal see. In this way — and this is the first usage that we know of — it is used in the text Dispensatio saeculorum of Clement II to the Church of Bamberg from 24 September 1047.⁵⁴ Later, we find it in the oath required of Robert Guiscard in 1059, which ends thus: "Et adiuvabo te, ut secure et honorifice teneas papatum Romanum terramque S. Petri." [And I shall help you to hold in safety and honor the Roman papacy and the land of St Peter]⁵⁵ As Hinschius proposed, this oath served perhaps as the model for the swearing of oaths which the reform papacy came to demand from then on from ecclesiastical dignitaries.

The first example of this, without a doubt, is the oath which Alexander II imposed upon Wibert of Ravenna in 1073, a few weeks before Gregory VII succeeded him. As we have seen (see here n.52) it was used again in Deusdedit's collection under the title: "Iuramentum episcoporum qui in Romana aecclesia consecrantur et ab ea pallium accipiunt [the oath of the bishops who are consecrated in the Roman church and receive the pallium from it]." But then the oath is as follows: "Papatum Romanum et regalia s. Petri adiutor eis ero [The Roman papacy and the royal possessions of St Peter, I shall be a help to them]." A whole series of other texts derives from it: the "Iuramentum archiepiscoporum de obedientia beato Petro et suis successoribus exhibenda", which is borrowed from the collection of Albinus by the Liber censuum and

⁵³ Cathedra Petri (=Unam Sanctam, 4), (Paris, 1938), p.96 (cf. Leo Marsicanus, Chronicon casinense II, 77: PL 173, col.683).

⁵⁴ Jaffé n.4149: "cum Romana sedes haeretico morbe laboraret et Heinrici imperatoris praesentia ad hoc invigilaret, ut huiusmodi aegritudinem propulsaret, explosis tribus illis, quibus nomen papatus rapina dedisset..." See Mansi, 19, p.622; PL 142, 588C (the text of which differs in several words). At issue is an allusion to the renunciation or the deposition of the three rival popes at the synod of Sutri on 10 December 1046.

⁵⁵ The text is preserved by Deusdedit (III, 285: ed. Wolf von Glanvell, pp.393f.) See Hinschius, System des katholischen Kirchenrechts III, p.202 n.2.

is attributed to the age of Gregory VII;⁵⁶ the oath of bishops and abbots who receive their consecration from the pope and which the Liber censuum preserves;⁵⁷ the oath imposed by Gregory VII in 1077 on Patriarch Henry of Aquileia;⁵⁸ the oath offered to Innocent II by the inhabitants of Tibur (between 1130 and 1143),⁵⁹ etc. But let us return to the time of Gregory VII. In the letter which the bishops who assembled at Worms sent in January of 1076 to "their brother Hildebrand" to inform him of his deposition, and in the letter which the emperor Henry IV sent to him at the same time with the same content, we also find the term papatus.⁶⁰ In the same year, and making clear allusion to the decision made at Worms, an unpublished poem uses papatum in opposition to regnum to indicate the power and right of the papal office.⁶¹

In a section of his compilation De Christiana vita written in 1090, Bonizo of Sutri uses the word papatus six times on only one page (IV, 44 and 45; ed. Perels, p.132, 1.3, 23, 27 & 29); in the corresponding sections of his Liber ad amicum, which dates from the years 1085-86, he does not use it at all (Bks.IV and V; Ldl I, 582f) To a text of Pope Symmachus borrowed from Pseud-Isidore in which papatus is not found, he gives the summary title: "Quo nullus incolomi papa ambiat papatum" (De vita christiana IV, 88; 156). In these texts, the word papatus figures as the equivalent of "Romanus Pontificatus".

We can therefore say that the word papatus appeared a little before the middle of the 11th century. In itself, the word simply indicates the dignity proper to the bishop of

⁵⁶ See P. Fabre, Le "Liber censuum" de l'Eglise romaine I (1905), n° 145, pp.415-16: "Ab hac hora et in antea fidelis ero et obediens beato Petro et pape illi suisque successoribus, qui per meliores cardinales intraverint. Non ero in consilio neque in facto ut vitam aut membra aut papatum perdant aut capti ad tenendum, et defendendum, salvo meo ordine."

⁵⁷ N° 147, p.416.

⁵⁸ See Gottlob, p.45; Hinschius, p.202 (according to him in 1079).

⁵⁹ In the Liber Censuum, n° 144, p.415.

⁶⁰ Letter of the Bishops, MGH Const. I, pp.107-108: "Tu ipse, tempore bonae memoriae Heinrici imperatoris te ipsum corporali sacramento obstrinxisti, quod numquam... papatum aut ipse susciperes..." Letter of the emperor (p.109): "Quorum sententiae... ego quoque assentiens omne tibi papatus ius, quod habere visus es, abrenuntio..."

⁶¹ Jaffé, Monumenta Bambergensia, 110 or LdL II, 172: "Querit Apostolicus regem depellere regno/ Rex fuerit et e contra, papatum tollera pape./ Si foret in medio, qui litem rumpere posset/ Sic, ut rex regum, papatum papa teneret, /Inter utrumque malum fieret discrecio magna..."

Rome. But given that it appeared at precisely the moment when it received the scope, the weight, and the importance which we have shown, it may well have signified the papal office such as the canonical era of government that emerged from the 11th-century reform movement characterized it — as a sovereign power.

The canonical, one might even say juridical, aspect of the ecclesiology of the men of the Gregorian reform was undoubtedly decisive. We also believe that it characterizes the turning point in the catholic theology of the Ecclesia which occurred at the juncture between the 11th and 12th centuries.⁶² But the juridical measures would not have had such an impact if they had not been supported and accompanied by religious ideas and sentiments; in short, by a kind of mysticism. We would not have a full idea of the "ecclesial piety" of the men of the Gregorian reform and, even more, of the place which papal primacy held for them, if we do not remind ourselves of the essential elements of Gregorian mysticism.

There was, first of all, their conviction according to which Peter is always present in the pope in an efficacious way. And although this might have become somewhat obscured, despite the continuous pilgrimages to the tomb of the apostles, this conviction regained its force in the thought of Gregory VII and the Gregorians.⁶³

There was also the grand synthesis, essentially theocentric and religious, of Gregory VII himself which developed around an extraordinarily dense and ardent understanding of iustitia.⁶⁴ The words which, according to the evidence of Paul of

⁶² To the period which we are studying dates, at least as far as one of its key aspects is concerned, the process in which spiritual themes are displaced to the level and into the conceptual world of juridical thought. We have examined this process in particular: 1) for the change in the content or sense of the expression vicarius Christi/Dei; and 2) for the use of certain texts of Scripture, especially I Cor.2:15 and 6:6 and Jr 1:10. See "Ecce constitui te super gentes et regna (Jr.1:10)," in Theologie in Geschichte und Gegenwart, ed. J. Auer & H. Volk (Münich, 1957), pp.671-96.

⁶³ The texts are collected in W. Martens, Gregor VII., sein Leben und Wirken, II (Leipzig, 1894), p.5; F. Heyn, Die Petrusglaube Gregors VII. (Diss. Griefswald; partially published 1921). See Gregory VII, Registrum III, 10; IV, 2; Humbert (?), Sententiae, c.183 (see also the numerous references to the canonists in A. Michel, Die Sentenzen..., p.54); Deusdedit, I, 145 (ed. von Glanvell, 97); Bonizo of Sutri, De vita christiana IV, 86 (ed. Perels, 146); and likewise Anselm of Canterbury, Ep. II, 192 (ed. Schmidt, Opera IV, pp.78-79); Gerhoch of Reichersberg, De edificio Dei, 69 (=LdL III, p.174). Gregory VII's arguments constantly begin with fidelity to St. Peter and service to St. Peter: see P. Zerbi, "Il termine fidelitas nelle lettere di Gregorio VII," SG III, pp.129-48 (esp. pp.135f).

⁶⁴ Pius XII (in his letter of 11 July 1954 to the faithful of Salerno in honor of Gregory VII) stresses iustitia as the fundamental theme of Gregory: Acta Apostolicae Sedis 46 (1954): 409. A good study of this subject is found in H.-X. Arquillière, S. Grégoire VII, pp.115f; 182f; 222f (on the Biblical origin of the word); 260f;

Bernreid, Gregory spoke on his deathbed and which are engraved upon the base of his tomb in Salerno: "Dilexi iustitiam et odio habui iniquitatem, propter ea in exilio morior" [I have loved justice and hated iniquity and for this I die in exile] properly expresses the direction of his entire pontificate. Only a deeper study of the profound motives of this reform pope would allow us to know its full content. Even if such a study would be relatively simple since Gregory VII is preserved for us in the letters of his Register, it is clear that we are not engaged in such a project here.

There is the powerful religious movement which began in the wake of the reform and which, after becoming a movement as religious as it was juridical or institutional, communicated its spirit to the whole of the 12th century. The reforming movement of the 11th century brought with it the extraordinary vitality of the period extending from the reign of Urban II to the death of St. Thomas and S. Bonaventure (1274). Today we know of this reform thanks above all to the research of Charles Dereine. We know the fervor of its penitential life, the force of its eremiticism. We know finally of the rising concern of the laity in the great causes of the Church. For, at the same time as he expelled them from the domain reserved for clerics, Gregory called them to participate actively in the Church's battles: in the struggle for reform, in the conflicts on the field of battle. It is just shortly afterward that Urban II will arouse the great spirit of the Crusades. Yet the lay religious movements so often opposed to the Church that left their mark on the 12th century also emerged, paradoxically, from the Gregorian reform.

For the moment, the Church triumphs. It is free; it has the authority necessary to make itself obeyed. Bride of God, Mother of men, but a Mother full of authority — they like to see and represent her as a queen, as a Domina. In the appeal which he addresses to all the bishops and all the faithful in Germany to ask them not to recognize Henry as king until he had done penance (3 September 1077), Gregory VII uttered this phrase: "Non ultra putet [Henricus] sanctam ecclesiam sibi subjectam ut ancillam, sed prelatam ut dominam [No longer shall Henry consider the holy church subject to him like a

270f (justice: examination of the pope's decisions). Against Bernheim and his school, Arquillière has rightly seen that for Gregory VII the concept of iustitia is more fundamental than that of pax. See also W. Wühr, op. cit. n.22, pp.25f; W. Ullmann, op. cit. n.17, pp.273, 283-84; H. Krüger, Was versteht Gregor VII. unter «iustitia» und wie wendet er diesen Begriff im einzelnen praktisch an? (Diss. Griefswald, 1910) (a highly analytical and primarily lexicographical study). — An impressive study on the great theocentric-theonomic synthesis is A. Nitschke's work "Die Wirksamkeit Gottes in der Welt Gregors VII.," SG IV (1956): 117-219. Nitschke tends nevertheless to misunderstand the importance of juridical thought in Gregory: Gregory was not a jurist, but already in the period prior to 1059 he had asked Peter Damian "frequenter" to assemble the texts most favorable to papal authority (Acta Mediolanensis: PL 145, col.89C); he dictated the Dictatus papae, etc.

serving girl but as set over him like his lord.]”⁶⁵ A problematic claim which it is necessary to see in context to be able to interpret it properly! Yet it is, nonetheless, a telling claim which shows us that Gregory VII's mysticism, thoroughly theocentric or, we might say, theonomic, was bound up with his juridical action and penetrates the principles behind this action: to obey God meant to obey the Church, and this meant to obey the pope, and vice versa.⁶⁶ Mysticism and law flowed together into an ecclesiology which bore characteristics at once deeply spiritual, highly institutional, and deeply embedded in the canons.

⁶⁵ Registrum IV, 3 (ed. Caspar, p.298, ll.36-7).

⁶⁶ Gregory VII, Registrum I, 17 (27): «Non eos [legatos], sed ipsam Veritatis sententiam spernunt»; III, 6 (255): «contemptu et conculcatione apostolice immo divine auctoritatis»; see W. Ullmann, *op. cit.*, p.279; Arquillère, p.270f; see Bernold of Constance, De damnatione schismaticorum, Ep.2, c.22 (LdL II, 38): «Sedem Romanam venereor ut tribunal Christi, eius pontificem ut sacrarium Spiritus almi, eius amplectens decreta ut caelestis curiae edicta...» among other passages. All of this mysticism of obedience was equally determined in the thought and action of Anselm: see the study cited here at n. 24.