

# De Capite Visibili Ecclesiae (*On the Visible Head of the Church*)

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## Disputatio V, Dubium Ultimum (Dub. IV), Sectio II

### Latin

*Dissolvuntur contrariorum sophismata.*

Contra primam partem conclusionis arguunt aliqui Doctores. Primo, non minus gaudet assistentia Spiritus Sancti Concilium Oecumenicum, quam Papa, quando de Cathedra dictat: si tam Concilium, quam Papa faciat, quod in se est, hoc est, adhibeat praeambulas, & dispositorias diligentias; sed magis credendum est Patres in Concilio congregatos regulariter, & notabiliter adhibere praedictas diligentias, quam Papa; quia sicut dixit Christus Matth. 18. [Ubi fuerint duo, vel tres in nomine meo congregati, ibi sum in medio eorum.] Ergo, &c.

Dices negandam esse minorem: non enim credendum est, quod regulariter, & ut in plurimum Concilium universale non adhibeat diligentias requisitas; ad hoc ut Deus ipsum illuminet; unde Pontifices regulariter approbant omnia, quae Concilium definivit. Caeterum si detur casus, quod Papa nollet acquiescere definitioni Concilii, sed aliquod oppositum definiret, tunc standum esset decreto Summi Pontificis, quia in tali casu

### English

*The Sophisms of Opponents Are Resolved.*

Against the first part of our conclusion, certain Doctors argue. First, an Ecumenical Council enjoys no less assistance of the Holy Spirit than the Pope when he speaks ex Cathedra: if both the Council and the Pope do what is required of them, that is, if they employ the preliminary and preparatory diligences; but it is more credible that the Fathers gathered in Council regularly and notably employ the aforementioned diligences, than the Pope; because as Christ said in Matthew 18: “Where two or three are gathered together in my name, there am I in the midst of them.” Therefore, etc.

You might say that the minor premise should be denied: for it is not to be believed that regularly, and in most cases, a universal Council would not employ the requisite diligences for God to illuminate it; hence Pontiffs regularly approve everything that the Council has defined. However, if a case should arise where the Pope would not acquiesce to the definition of the Council, but would define something opposite, then one would have to stand by the decree of the Supreme Pontiff,

Concilium erravit, & non fuit in eo assistentia Spiritus Sancti. Et ratio huius est: nam assistentia ista, & immediatus influxus Spiritus Sancti, non est debitus immediate corpori Ecclesiae, sed Papae, & tantum illi est debitus medio influxu supremi capitis, vel antecedenter docentis corpus, vel rati habentis; scilicet ex suppositione, quod Pontifex decretum illud acceptet, & pro rato habeat.

Sed contra objicies, Concilium legitime congregatum habet in definiendo res fidei sibi immediate debitam assistentiam Spiritus Sancti: ergo semel edito decreto a Concilio tenentur omnes illud acceptare, tamquam de fide; non solum scilicet fideles, sed etiam ipse Papa, ergo, &c. Antecedens probatur ex illo Matth. 17. [Ubi fuerint duo, vel tres congregati in nomine meo, ibi sum in medio eorum.] Quam auctoritatem ad propositum hoc probandum adducunt Gregor. in registr. lib. 2. cap. 51. & August. lib. 4. contra duas epistolas Pelagii cap. 12.

Respondeo distinguendo antecedens, debetur ei assistentia Spiritus Sancti immediate in definiendo res fidei, quando facit, quod in se est, ut recte definiat, concedo antecedens, quando non facit, nego antecedens, & consequentiam. Quando enim Concilium facit, quod in se est, sine dubio debetur ei Spiritus Sancti assistentia; sed non constat fecisse, quod in se est ante Papae approbationem; unde ante illam non tenentur fideles credere, & multo minus Papa divino iure assentiri his, quae definivit Concilium.

Sed adhuc instabis. Quando Papa ex cathedra, definit, debemus credere, quod fecit, quod in se est, ut recte definiat: ergo quando Concilium legitime congregatum definit, tenemur iure divino credere fecisse, ut in se erat, ut recte definiret ante Papae solennem confirmationem, & sufficiet Papae auctoritas, qua fuit congregatum Concilium, & in qua saltem implicite Concilium ab ipso accepit auctoritatem

because in such a case the Council erred, and the assistance of the Holy Spirit was not present in it. And the reason for this is: that this assistance and immediate influence of the Holy Spirit is not owed directly to the body of the Church, but to the Pope, and it is owed to the body only through the mediation of the supreme head's influence, either through his prior teaching of the body, or through his ratification; that is, on the supposition that the Pontiff accepts that decree, and holds it as ratified.

But against this you will object: A legitimately assembled Council has the immediate assistance of the Holy Spirit due to it when defining matters of faith; therefore, once a decree has been issued by a Council, all are bound to accept it as a matter of faith—not only the faithful, but also the Pope himself; therefore, etc. The antecedent is proven from Matthew 18:20: “Where two or three are gathered together in my name, there am I in the midst of them.” This authority is adduced to prove this proposition by Gregory in his Register, book 2, chapter 51, and Augustine in book 4 against the two letters of Pelagius, chapter 12.

I respond by distinguishing the antecedent: the assistance of the Holy Spirit is immediately due to the Council in defining matters of faith when it does what is within its power to define correctly, I concede the antecedent; when it does not do so, I deny the antecedent and the consequent. For when a Council does what is within its power, without doubt the assistance of the Holy Spirit is due to it; but it is not established that it has done what is within its power before the Pope's approval; hence before that approval, the faithful are not bound to believe, and much less is the Pope bound by divine law to assent to what the Council has defined.

But you will still insist: When the Pope defines ex cathedra, we must believe that he has done what is in his power to define correctly. Therefore, when a Council legitimately convened defines something, we are bound by divine law to believe that it has done what was in its power to define correctly even before the Pope's solemn confirmation, and the Pope's authority by which the Council was convened, and by which the Council implicitly received from him the authority to define, will be

definiendi.

Respondeo concesso antecedenti, nego consequentiam, & assignando duplicem disparitatem. Prima est: quia Papa est prima regula visibilis Ecclesiae, & ultimum in quod resolvitur decisio dubiorum fidei, quia ei expresse a Christo promissa est indefectibilitas non solum in se, sed etiam ad confirmandos caeteros in fide, quando ei dixit: [Ego rogavi pro te Petre; ut non deficiat fides tua, & tu aliquando conversus confirma fratres tuos.] Unde statim ac definit, debemus credere fecisse, quod in se est, vel in tali definitione assistat Spiritus sanctus. At vero Concilium etiam legitime congregatum in decidendo res fidei non habet ultimum resolutionem, sed illam expectat a Papa, & sic ante confirmationem Papae, non tenemur credere fecisse, quod in se est, ut recte definiat, & consequenter, nec tali definitioni assentiri.

Secunda ratio discriminis est, quae assignatur a nostro Ferre, in eo: quod definitio Papae de cathedra est definitio totius Ecclesiae, definitio autem Concilij etiam Oecumenici non est definitio totius Ecclesiae ante confirmationem Papae, sed definitio corporis Ecclesiae, ut distinguitur a capite: cumque tota Ecclesia nequeat errare, iuxta illud: [Portae inferi non praevallebunt adversus eam:] Quando ex cathedra definit Papa, tenemur credere fecisse, quod in se est; ut non erret. Concilium autem, quod est corpus Ecclesiae, sine capite potest errare; sicut & potest deficere ab obediencia Summi Pontificis; & ideo non tenemur credere fecisse, quod in se est, ut non erret ante confirmationem Summi Pontificis.

Et si contra hanc Magistri Ferre disparitatem objicies, Acceptatio, qua concorditer Ecclesia Pontificem de novo electum acceptat, in probabiliiori sententia, quam nos secuti sumus, reddit de fide illum hominem, quem Cardinales elegerunt esse Summum Pontificem; & tamen ista

sufficient.

I respond by granting the antecedent but denying the consequent, and I assign a twofold disparity. The first is: because the Pope is the first visible rule of the Church, and the ultimate authority to which the decision of doubts concerning faith is resolved, for to him explicitly was promised by Christ the indefectibility not only in himself, but also to confirm the others in faith, when He said to him: "I have prayed for thee, Peter, that thy faith fail not: and thou, being once converted, confirm thy brethren." Therefore, as soon as he defines, we must believe that he has done what is in his power, or that the Holy Spirit assists in such a definition. But a Council, even legitimately convened, in deciding matters of faith does not have the ultimate resolution, but awaits it from the Pope, and thus before the Pope's confirmation, we are not bound to believe that it has done what is in its power to define correctly, and consequently, nor to assent to such a definition.

The second reason for the distinction, which is assigned by our Ferre, lies in this: that a definition given by the Pope ex cathedra is a definition of the whole Church, whereas a definition of a Council, even an Ecumenical one, is not a definition of the whole Church before papal confirmation, but rather a definition of the body of the Church as distinguished from the head. And since the whole Church cannot err, according to the saying: "The gates of hell shall not prevail against it," when the Pope defines ex cathedra, we are bound to believe that he has done what is necessary on his part not to err. A Council, however, which is the body of the Church, can err without its head, just as it can also fail in obedience to the Supreme Pontiff; and therefore we are not bound to believe that it has done what is necessary on its part not to err before the confirmation of the Supreme Pontiff.

And if against this distinction of Master Ferre you should object: The acceptance by which the Church concordantly accepts a newly elected Pontiff, in the more probable opinion which we have followed, renders it a matter of faith that the man whom the Cardinals elected is the Supreme Pontiff; and yet this acceptance is made only by the body of the

acceptatio non fit nisi a corpore Ecclesiae, ut distincto a capite; non enim ipsum caput potest acceptare se ipsum in Papam; ergo corpus Ecclesiae; ut distinctum a capite potest facere res de fide.

Respondeo cum ipso Magistro Ferre, negando minorem. Acceptatio enim Ecclesiae, qua facit esse de fide electum esse Papam includit etiam ipsum Papam. Non enim esset de fide hunc hominem esse Papam, immo non esset Papa, nisi electus acceptaret seipsum in Papam; acceptando enim seipsum in Papam, credit se esse verum Papam, & sic ad definiendum procedit.

Quod si adhuc opponas. Si non acceptat non est Papa, etiamsi Ecclesia acceptavit; ergo quando acceptat non acceptat ut Papa; ergo non concurrat, ut Caput Ecclesiae ad acceptationem; ergo sola corporis acceptatio facit de fide.

Respondeo conc. antecedenti, dist. consq. non acceptat ut Papa, prout acceptatio sumitur directe, & est consensus in electionem causans matrimonium hoc spirituale ipsius Papae cum Ecclesia; transf. conf. non acceptat ut Papa, prout ly acceptatio sumitur reflexe, quatenus credit per talem acceptationem fieri verum Papam, nego consequentiam, & omnes alias ex hac consequentia illatas. Quando enim reflexe acceptat, iam est Caput Ecclesiae, & consequenter concurrat ad talem acceptationem corpus Ecclesiae simul cum Capite.

Arguitur secundo ex Hermando, & Gerson ex illo Matth. cap. 18. ubi a Christi dicitur Petro, & eius successoribus, quod facta correctione fraterna, & ipso non acquiescente ad Ecclesiam illis verbis: [Quod si te non audierit, dic Ecclesiae.] Ergo sentit Ecclesiam esse Tribunal superius Petro, ad quod potest ex Petro appellari: sed Concilium repraesentat Ecclesiam; ergo est supra Papam.

Respondeo, quod ex communi Doctorum sensu, ut habetur ex 2. qu. 7. cap. si

Church as distinct from the head, for the head himself cannot accept himself as Pope; therefore, the body of the Church as distinguished from the head can establish matters of faith.

I respond with Master Ferre himself by denying the minor premise. For the acceptance of the Church, which makes it a matter of faith that the one elected is Pope, also includes the Pope himself. Indeed, it would not be a matter of faith that this man is Pope, and indeed he would not be Pope, unless the one elected accepts himself as Pope; for in accepting himself as Pope, he believes himself to be the true Pope, and thus proceeds to make definitions.

But if you still object: If he does not accept, he is not Pope, even if the Church has accepted him; therefore when he accepts, he does not accept as Pope; therefore he does not contribute as the Head of the Church to the acceptance; therefore the acceptance of the body alone makes it a matter of faith.

I respond by conceding the antecedent and distinguishing the consequent. He does not accept as Pope, insofar as acceptance is taken directly, and is the consent to the election causing this spiritual marriage of the Pope himself with the Church; I let this consequence pass. He does not accept as Pope, insofar as acceptance is taken reflexively, to the extent that he believes through such acceptance he becomes the true Pope; I deny the consequence, and all others inferred from this consequence. For when he reflexively accepts, he is already the Head of the Church, and consequently the body of the Church together with the Head concurs in such acceptance.

It is argued secondly from Hermand and Gerson, based on Matthew chapter 18, where Christ says to Peter and his successors that, after fraternal correction has been made and the person does not acquiesce, they should tell the Church with these words: "If he will not hear thee, tell it unto the Church." Therefore, Christ considers the Church to be a tribunal superior to Peter, to which one can appeal from Peter. But the Council represents the Church; therefore, it is above the Pope.

I respond that, according to the common

peccauerit, & 7. qu. 1. cap. scire, Nomine Ecclesiae intelligitur Praelatus in iudicio praesidens; non vero Concilium generale: quis enim unquam excogitare potuit, quod ad corrigendum unum peccatorem conuocandum esset Concilium generale? Unde sic eam explicant Divus Thomas in 4. dist. 19. qu. 2. artic. 3. quaestiunc. 2. ad 4. & beatus Albertus Magnus in eodem loco.

Sed oppones cum eodem Hermando. Petro dictum est: [Dic Ecclesiae] ergo Petrus debet denunciare peccatores ad Ecclesiam, tamquam Tribunali distincto a suo, suoque superiori,

Respondeo, quod Petrus, & consequenter eius successores possunt etiam hoc praeceptum implere, denunciando peccatores Ecclesiae, & tamen non esse sub, sed supra Concilium. Nam, ut ait Divus Thomas in 4. distin. 19. qu. 2. quaestiunc. 2. ad 4. Papa potest considerari dupliciter; vel ut persona priuata, vel ut persona publica, vel ut est in iudicio Praesidens, vel extra iudicium. Ipse ergo, ut persona priuata potest dicere Ecclesiae, quam ipse, ut Caput repraesentat; & tunc est idem, ac dicere: Tu, ut persona priuata, dic tibi ipsi, ut personae publicae existendo in actu iudicij puniendi, vel corrigendo delatum peccatorem impenitentem.

Sed adhuc objicies. Papa est membrum Ecclesiae; ergo etiam subiacet correctioni ipsius, ita ut ipse, sicut alia membra si Ecclesiam non audierit, debet corpus ipsius excommunicari.

Respondebis negando antecedens, ut enim ait Divus Thomas in 3. distinct. 13. quest. 2. artic. 1. Nomine membri venit ea pars corporis, quae ab alia recipit influxum: nomine vero Capitis significatur fons, & principium talis influxus; & ideo Papa, qui est Caput Ecclesiae, non potest dici eius membrum, Unde sicut Christus, ut homo, respectu Diuinitatis, etiam vocatur membrum ab Apostolo, 1. Corinth. 12. [Vos estis corpus, & membrum de membro;] & tamen ipse ut Deus, vel etiam ut homo, influens in Fideles gratiam, &

understanding of the Doctors, as held in 2 q. 7 chapter “Si peccaverit” and 7 q. 1 chapter “Scire,” the name “Church” is understood to mean the Prelate presiding in judgment, not the general Council. For who could ever imagine that to correct one sinner, a general Council would need to be convened? Thus, this passage is explained by Saint Thomas in 4 dist. 19, q. 2, art. 3, question 2, ad 4, and by Blessed Albert the Great in the same place.

But you will object, with the same Hermand: Peter was told “Tell it unto the Church.” Therefore, Peter must denounce sinners to the Church as to a tribunal distinct from his own and superior to his.

I respond that Peter, and consequently his successors, can also fulfill this precept by denouncing sinners to the Church, and yet not be under, but above the Council. For, as Saint Thomas says in the 4th distinction, question 19, question 2, response to objection 4, the Pope can be considered in two ways: either as a private person, or as a public person, or as one who presides in judgment, or outside of judgment. He therefore, as a private person, can speak to the Church, which he, as Head, represents; and then it is the same as saying: You, as a private person, speak to yourself as a public person when you are in the act of judicial punishment, or when correcting an impenitent sinner who has been reported.

But you might still object: The Pope is a member of the Church; therefore he is also subject to its correction, such that he himself, like other members, if he does not listen to the Church, ought to be excommunicated from its body.

You will respond by denying the antecedent, for as Saint Thomas says in the 3rd distinction, 13th question, 2nd article, 1st point: By the name of “member” comes that part of the body which receives influence from another; but by the name of “Head” is signified the source and principle of such influence; and therefore the Pope, who is the Head of the Church, cannot be called its member. Thus, just as Christ as man, with respect to Divinity, is also called a member by the Apostle in 1 Corinthians 12 [“You are the body, and member of member”]; and yet He as God, or even as man,

charismata spiritualia appellatur Caput; ita Petrus, eiusque successor Pontifex Romanus, quatenus accipit à Christo influxum, vel quoad dona, vel quoad gratias, vel quoad supernaturalem potestatem dicitur membrum; est autem Caput, quatenus in corpus Ecclesiae per eum omnis potestas diffunditur, ut ex S. Leone Papa epist. 87. constat.

Sed contra argui potest ex Gersone. Esto Papa sit Caput, est tamen pars corporis; sed potentia agendi principalis est in toto, quam in partibus, quae sunt veluti instrumenta totius: unde principalis dicitur homo videre, quàm oculus; ergo potestas spiritualis principalis conuenit Ecclesiae, quam Papae.

Respondeo, quod Papa ut Papa non est pars quantitativa, ut ita dicam Ecclesiae, sed potius quoddam totum fontale, in quo Deus reposuit plenitudinem, & originem totius auctoritatis, & potestatis spiritualis. Unde Turrecremata lib. 4. de Ecclesia cap. 73. ait, quod Papa in ratione potestatis, non solum est principalior pars Ecclesiae, sed etiam est tota Ecclesia virtualiter. Nec valet exemplum adductum: quia homo principalis dicitur videre quàm oculus; hoc enim accidit quia actiones sunt suppositorum, ut quod esto sint potentiae ut qua; & ideò visio principalis denominat hominem videntem, quàm oculum. Quod non currit in casu nostro, ut patet.

Sed adhuc objicies cum Ioanne Patriarcha Antioch. sequitur ex hac nostra doctrina, non dari in Ecclesia remedium, in casu quo haberet malum Pontificem; quia etiam si scandalosè, & tyrannicè viueret, nec à corpore Ecclesiae, nec ab alia terrena potestate posset corrigi, vel deponi.

Respondeo cum D. Thoma in 4. dist. 19. quaest. 2. quaestiunc. 2. ad 2. & lib. 1. de regim. Princip. cap. 6. & cum illo Bellar. lib. 2. de Concil. cap. 19. Quod esto in eo casu Ecclesia remaneret sinè remedio humano efficaci, sed non sinè efficacissimo remedio diuino; quod quidem remedium

infusing grace and spiritual gifts into the Faithful, is called the Head; so Peter, and his successor the Roman Pontiff, insofar as he receives influence from Christ, whether regarding gifts, or graces, or supernatural power, is called a member; but he is the Head insofar as through him all power is diffused into the body of the Church, as is established from St. Leo the Pope, epistle 87.

But one may argue against this from Gerson. Granted that the Pope is the Head, he is nevertheless part of the body; but the power of acting is more principally in the whole than in the parts, which are like instruments of the whole: hence it is said more principally that a man sees, rather than the eye; therefore spiritual power belongs more principally to the Church than to the Pope.

I respond that the Pope as Pope is not a quantitative part, so to speak, of the Church, but rather a certain foundational whole, in which God has deposited the fullness and origin of all spiritual authority and power. Hence Torquemada, in book 4 of “On the Church,” chapter 73, says that the Pope, in terms of power, is not only the principal part of the Church, but is also virtually the entire Church. Nor does the example adduced hold: namely, that a man is said to see more principally than the eye; for this happens because actions belong to supposita, as that which they are through powers as that by which; and therefore vision more principally denominates the man as seeing than the eye. This does not apply in our case, as is evident.

But you may still object, along with John, Patriarch of Antioch, that it follows from our doctrine that there exists no remedy in the Church in the case where it has a bad Pontiff; because even if he were to live scandalously and tyrannically, he could neither be corrected nor deposed by the body of the Church, nor by any other earthly power.

I respond with Saint Thomas in his commentary on the 4th book of Sentences, distinction 19, question 2, sub-question 2, reply to the 2nd objection, and in his work “On the Governance of Princes,” book 1, chapter 6, and with Bellarmine in his work “On Councils,” book 2, chapter 19: That in such a case,

esset infallibile ex Diuina promissione, qua Christus spopondit Ecclesiae suae assistere, & defendere, sicut portae inferi non praeualent aduersus eam. Vnde tunc ad Deum esset recurrendum pro remedio, qui sinè dubio vel talem Pontificem emendaret, vel de medio subtraheret, vt vtar phrasi D. Thomae. Numquam enim (ait Leo Papa epist. ad Clerum, & plebem Constantinopolitanam) existimandum est, quod sanctae Ecclesiae suae desit, aut defectura sit Diuina protectio. Et tamen posset licitè in eo casu, vt docet Turrecremata loc. cit. cap. 100. resistere Pontifici Ecclesiam destruenti; possent enim seruata debita reuerentia Pontificem admonere, & modestè corripere Domini Cardinales; non tamen licet ei vi, & armis resistere, vt malè dicit Bellarminus; sed potius se defendere ab eius inuasionem;

the Church would remain without an efficacious human remedy, but not without the most efficacious divine remedy; indeed, this remedy would be infallible based on the Divine promise, by which Christ pledged to assist and defend His Church, just as the gates of hell shall not prevail against it. Hence, in such circumstances, recourse would be had to God for a remedy, who without doubt would either reform such a Pontiff or remove him from our midst, to use the phrase of Saint Thomas. For, as Pope Leo says in his letter to the clergy and people of Constantinople, “It must never be supposed that divine protection is absent or will be lacking for His Holy Church.” And yet in such a case, as Torquemada teaches in the cited place, chapter 100, it would be licit to resist a Pontiff who is destroying the Church; for the Lord Cardinals could, while preserving due reverence, admonish the Pontiff and modestly correct him; however, it is not permitted to resist him with force and arms, as Bellarmine wrongly states; but rather to defend oneself from his aggression;